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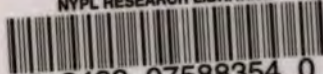
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GENERAL HISTORY
OF
SCOTLAND,

1081

FROM
THE EARLIEST ACCOUNTS
TO
THE PRESENT TIME.

By WILLIAM GUTHRIE, Esq.

VOLUME THE TENTH.

L O N D O N,

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ASTOR, LENOX AND
TILDEN FOUNDATIONS.
1897.

A. D. 1648. Argyle and his Highlanders; and such of the committee of estates, who had the courage to act still in a body, invited the royalists to join them. The clergy, as usual, erected a power independent of the state, in which they were supported by Argyle, Elcho, and other two commissioners of parliament; and they called upon Cromwell to head them. A treaty was proposed; and such was the condition of Scotland, that the earl of Lanerk was obliged to agree to it, having first dismissed all the English royalists who were in his army. It is certain, however, that had Lanerk either been a military man, uninfluenced by the fear of his brother's fate, or unconnected with the covenanters, the royalists, who were prepared to join him from the north, would have crushed Argyle's army, before that of Cromwell could have joined him. Wishart says, that Lanerk was then at the head of five thousand horse, and six thousand foot; and that he might easily have made himself master of Edinburgh, with all the arms and ammunition there, had not his heart failed him so much, that he marched past Edinburgh without attacking it; and entered into a treaty with Argyle, which was finished on the twenty-sixth of December, in the terms demanded by the covenanters. By this treaty, the Irish companies were to be sent back to that country. Lanerk and the royalists were to disband their troops; and all who had

had been engaged with him or his brother were to be subjected to ecclesiastical censures. It was farther provided, that all the nobility who were engaged in this last expedition with the earl of Lanerk, or had abetted or assisted those concerned in it any manner of way, were thereby ordained to list themselves as criminals before the next meeting of the estates, in order to have their conduct examined and censured by them; but to have no voice there themselves.

A. D. 1642.

Misconduct
of Lanerk.

Burnet in his Memoirs has sunk the most disgraceful terms of this treaty; but disgraceful as they were, they were disregarded by the covenanters. The places in Ireland, in possession of the Scots, had, during Monro's absence, been betrayed to the parliament; and his soldiers were insulted and murdered in their return to that country. In a few days after the conclusion of this sham treaty, a proclamation was issued at Edinburgh, ordering all who had been engaged in Hamilton's army to remove twelve miles from Edinburgh, on account of Cromwell's approach. The covenanters (or, as they were now called, the Whigamores *) erected themselves into a committee of estates, and welcomed Cromwell to Edinburgh, with the greatest expressions of esteem and regard. At his request, Berwick

Cromwell
visits Edin-
burgh.

* Burnet says, that the term Whig is a corruption of this word,

A. D. 1648. and Carlisle was again delivered to the parliament's forces. He shut himself up often with the marquis of Argyle, Loudon, the chancellor, the earl of Lothian, the lords Arbuthnot, Elcho, and Burleigh ; and the ministers, Mr. David Dickson, Mr. Robert Blair, and Mr. James Guthrie. Nothing of their consultations transpired ; and the state of affairs in England obliged Cromwell to leave Scotland sooner than he intended.

**Execution
of Charles
the first.**

The English parliament had by this time entered into a personal treaty with the king at Newport in the Isle of Wight, the particulars of which are to be seen in the English histories and records. The treaty proving ineffectual, the parliament and army came to a decisive rupture ; and colonel Ewers, by order of Fairfax, seized the person of Charles ; and on the thirtieth of November made him a close prisoner in Hurst castle. It was in vain for the parliament to oppose their votes and resolutions to the arms of a steady determined body of enthusiasts, who had already resolved to have the blood of Charles. They took possession of all the avenues to both the houses, and, in fact, dissolved the parliament. Their own creatures continued, however, to sit under the name of the commons of Great Britain ; and threw all the leaders of the presbyterians, who had been so active against Charles, both in the field and the parliament, into prison.

son. They voted themselves the only legislative power in the kingdom, and set aside the authority of the house of peers. The melancholy catastrophe of the king's death, which followed, belongs to the history of England; and it can be no new information to the reader, that Charles, by the authority of ruffian officers and soldiers, was beheaded before his own palace on the thirtieth of January; and that his whole deportment, during his troubles, was calm, magnanimous, and rational, beyond almost any instance that is recorded in history.

A. D. 1642.

1649.

How far the Scotch nation in general were accessory to this tragedy, is a question that has been much agitated. That the bulk of the kingdom detested it cannot be questioned; but the conduct of their active leaders is not to be vindicated. His cause was certainly ruined by the indecision of the two Hamiltons, who acted through the whole of their administration with a most blameable tenderness towards men, who were heated with enthusiasm, and therefore incapable of any other sentiment. The jealousy which the two brothers entertained of the northern royalists, was equally unbecoming Scotsmen as subjects, because it obliged them to take law from the king's declared enemies, while by far the greatest part of the natural interest of the kingdom were his friends, though their services were laid aside.

His popularity in Scotland.

A. D. 1649. aside. Had the covenanters professed or proposed any generous plan of public liberty, after they had, in fact, disabled Charles (had he been so inclined) from retracting the concessions he had made, their proceedings might have admitted of some defence; but they tended to a point of slavery that was base, mean, and illiberal, by putting the whole executive power of government into the hands of ignorant, bloody, vindictive, madmen and enthusiasts, for so the covenanting clergy may be justly termed. In short, whoever considers their conduct and principles at this time, will find they were influenced by the most detestable claims of popery; and if there was the least meaning in their system, it was to convert Scotland into a republic, where the civil power was to be no more than the executioner of the dictates issued by the ecclesiastic. As to the abilities of those preachers (for they were destitute both of the character and learning of clergymen) they were contemptible, almost beyond precedent, in the history of any civilized country.

The duke
of Hamilton
executed.

The trial and execution of the duke of Hamilton, as earl of Cambridge in England, followed that of his royal master. Great interest was made to prevail with the marquis of Argyle to interpose, by threatening to make his death a national quarrel; but he declined the office, because he knew how much exasperated

perated the rigid covenanters were at his grace's A. D. 1649.
conduct. His behaviour at his death clears him from all imputation of treachery to the king. He fell a victim to that mediocrity, which, in times less heated with passion, would have saved him. His brother, the earl of Lanerk, was then an exile in Holland, bewailing the false step he had made, in laying down his arms at Stirling. The Scotch parliament (if a meeting in which no more than fourteen noblemen assisted, can deserve that name) proceeded with extreme rigour against all who had taken arms with the duke. They were divided into four classes. Those contained in the first were to be excluded, during life, from all public employments : the second, for ten years ; the third, for five years ; and the fourth, till the next session of parliament. All the lords of session who were the least tainted with the crime of loyalty, (to make use of bishop Guthrie's expression) were removed from their seats ; and none of those who were engaged with the duke were to be admitted to any place of profit or trust, till they had satisfied the church by a public profession of repentance. The party, notwithstanding this, affected great regard for the young king, and a deep horror for his father's murder. Their commissioners, who were lord Lothian, Sir John Chisley, and Mr. Glendunning, had orders to return to Scotland, without taking leave. They sent a
Vol. X. C letter,

A. D. 1649. letter, however, to the ruling faction in the house of commons, which was voted to be false and scandalous, and tending to lay the grounds of a new and bloody war; and, that all who should abett that paper should be proceeded against as traitors and rebels. It was ordered to be sent down to Scotland, to know whether the parliament there would avow it, and that in the mean while the commissioners should be put into confinement.

Conduct of
Argyle.

This proceeding did not suit the views of Cromwell, who had connections with Argyle; and they prevailed upon his party to send the commissioners down to Scotland under a guard. Upon their arrival, the sense of the people was so strongly for proclaiming the king, that Argyle could not resist it; but the covenanters still insisted that Charles should sign the covenant, submit to the church censures, renounce the sins of his father's house, and the iniquity of his mother, and subject himself to other mortifications, greater, if possible, than those inflicted by the haughtiest of the Romish pontiffs upon temporal princes. Those, however, were the sentiments of enthusiasts only; and Argyle, with some other lay covenanters, adopted them, because they were in hopes they would be rejected, fearing that they had offended the royalists beyond all possibility of reconciliation. They had even interest enough to bring the marquis of Huntley, who still remained a prisoner in the castle

castle of Edinburgh, to the block, where he died with the greatest magnanimity and resignation. A. D. 1649.

The barbarous murder of this nobleman, who had never acknowledged any other sovereign in Scotland but his master, opened the eyes of the covenanting royalists (for many such there were). They beheld their enthusiast brethren with detestation; and they fell in with all the sentiments of the episcopal royalists. These were, that the king should be called in without any terms. Charles was then at the Hague, in a very deplorable situation. The prince and princess of Orange wished him well; but though the states-general and the states of Holland behaved to him with decency, yet they gave him shrewd intimations that they were in no condition to break with the governing powers in England, should they be required to withdraw their protection from him and his court. Charles was no stranger to the general sentiments of the Scotch in his favour; and Argyle had been forced to emit a proclamation under the authority of the states, declaring Charles to be the rightful heir of his father, and lawful king of Scotland; but, in other respects, it was so worded that it was plain, if he should return to that kingdom, he must lay his account to be no better than a cypher in the government, and a slave to the rigid covenanters; for he was not to be suffered to bring with him any Scotchman

C 2

who

A. D. 1649. who had distinguished himself in his father's service.

The moderation and wisdom which Charles discovered at this time far exceeded those of his riper years. He had at his little court two Scotchmen of great weight and authority. The first was the duke of Hamilton, late earl of Lanerk, a wise, active, worthy nobleman; but he had been driven into some undutiful measures, during the late reign, by the hardships and disgraces he and his brother had suffered, from the madness and ingratitude of their master's court. He was now a thorough convert to the royal cause, and offered the king his services in the most cordial manner. The other nobleman was the marquis of Montrose. After this hero had been obliged to lay down his arms, he visited the principal courts of Europe, where the fame of his gallant actions rendered him the object of public admiration; but tho' he was invited to accept of the most important commands, yet he reserved himself for the service of Charles. He appeared at the Hague with a grandeur and equipage more suited to his master's and his own dignity than their fortunes. His past distresses, and the earnest desire he had to be avenged of the Scotch regicides (for so he deemed the covenanters to be) encreased that air of heroism for which he was so much distinguished among foreigners; and his

his language was as unreserved as his manners were open. A.D. 1649.

Those two great subjects, though both of them warm, and well affectioned in the royal cause, differed widely in their sentiments as to the means of serving it. The duke of Hamilton declared against exasperating Argyle, and the estates, who were the ruling powers in Scotland; and gave many weighty reasons why the king should, at least, appear to agree to their commands, which were at last modelled into the following form. 1. That he take the covenant. 2. To put from him all that have assisted his father in the late war, particularly Montrose; else not to treat with him. 3. To bring but one hundred with him into Scotland, and none who have assisted his father in arms. 4. To bring no forces into Scotland from other nations, without their consent. Some advances had been made to Charles for repairing to the marquis of Ormond in Ireland; but the reduction of that island being assigned to Cromwell, that project was found impracticable; so that he inclined to close with the Scots, bitter as their terms were. The earl of Lauderdale, who was then at the Hague, seconded the duke of Hamilton with some warmth; and the very day that the marquis of Huntley was beheaded, the earls of Cassils and Lothian, and other commissioners from the states of Scotland, sailed from the Forth, to treat with Charles in Holland,

*His treaty
with the
Scotch com-
missioners.*

A. D. 1649. Holland. According to Wishart, who was present, those commissioners, when introduced to Charles, made a most rueful appearance; and their speeches corresponded with their solemn devotional countenances. When the papers they brought from their constituents were laid before the council, they contained many demands not inserted in the above conditions. Charles desired that they would moderate them, and declare his father's murder to be barbarous and illegal; but they begged to be excused for want of powers, insisting, at the same time, that their terms were not only just and honourable, but absolutely necessary, as being founded upon the holy scriptures, and of divine institution; so that it would be no less than impiety in them to yield in any point, or recede from them in the smallest degree. All the rest of their language was dark, ambiguous, and indecisive, though filled with professions of loyalty. This negotiation passed at Breda.

Wishart

He employs
Montrose.

It was in vain for Montrose to endeavour to oppose, with his single authority, the sense of almost all the other noblemen at the Hague; but he certainly retarded the conclusion of the treaty, though it was favoured even by the queen-mother. Montrose was seconded by the earls of Seaforth and Kinnoul, the lord Sinclair, and a few others; and produced letters from the king's friends in Scotland, declaring, that if they could be supported from
abroad,

abroad, they were ready to raise a force sufficient, without any terms, to restore Charles to the thrones of his ancestors. Charles was, at this time, uneasy at his remaining in Holland, and had resolved to go to France. Previous to this, he gave the garter to Montrose, and appointed him his ambassador to the northern courts, particularly that of Denmark, with a commission empowering him to raise men, and to enter into pecuniary and other engagements, as he should see convenient. The same commission appointed him likewise lieutenant-governor in Scotland, and commander in chief of all the forces there, both by sea and land. All those honours were heaped upon him to enable him to perform his promise to Charles, that he would place him on the throne of Scotland by force of arms. It is to be wished, in honour to the memory of that prince, that when he gave this commission to Montrose, he had broken off all negotiations with the Scotch covenanters; but he continued still to treat with the people whom he was determined to subdue. The earls of Cassils and Lothian are represented, by bishop Burnet, as men of honour and veracity; and they would willingly have joined with the duke of Hamilton and his friends in reconciling Montrose and Argyle; but they found it impracticable. Hamilton's party thus found that they had every thing to dread from the violent covenanters; and, loyal.

A.D. 1649. as they were, they disliked that Charles should be restored without any terms.

1650.
The generous behaviour of the duke of Hamilton.

Hamilton prevailed, at last, by even sacrificing the consideration of his own personal safety; and Charles was prevailed upon to sign the treaty with the Scotch commissioners, by which he was to throw himself upon the states of Scotland. Before the two chief commissioners went on board to return to Scotland, an order came from the states of that kingdom, excepting Hamilton out of the number of those who were to attend Charles to Scotland, to which he generously offered to submit; and most earnestly advised Charles to omit nothing that could beget a good understanding between him and the states; but he was suffered to proceed. Cromwell, during the dependence of the treaty, had subdued Ireland for the parliament; and when it was publickly known, that the states of Scotland had invited Charles to that country, he solicited the command of an army against them. In this he met with great opposition from the presbyterians, and even from Fairfax, who declined to act against the Scots; but such was the interest of Cromwell, that the command was given to him, though he was then in Ireland.

Success of Montrose at foreign courts.

Montrose was all this time executing his embassy with great spirit and success. He was well received at the Imperial and Danish courts. He had encouragement from the queen of Sweden,

den, the Courlanders, and many of the German princes. Hamburgh was appointed to be the rendezvous of his recruits; and he had received a large supply of arms and ammunition, with some money, from Denmark. Many brave officers, foreigners as well as British and Irish, were proud to enlist themselves under the banners of so celebrated a hero; and he drew up a manifesto, inviting his countrymen to join him in revenging the late king's murder, and restoring his son. Montrose was counteracted by the agents of the states, who every where published that Montrose was no better than a rebel, as the king was preparing to repair to Scotland, and to assume the government upon the most honourable terms. This report, which carried with it the strongest appearance of truth, was of infinite prejudice to Montrose; and, though not taken notice of by historians, ruined the service he had undertaken. He had sent colonel Ogleby to Amsterdam, to engage recruits, especially exiles from England, and Scotch deserters from the French and Dutch armies, but without effect. Four ships that had been sent him by the duke of Holstein, returned home. General King, whom he had employed in Sweden, met with no success; and Sir John Cochran, who had raised a considerable sum among the Scotch merchants in Poland, converted it to his own use. Nothing could damp the spirit of Montrose; who precipitated his

A. D. 1650. measures, from an apprehension that the estates of Scotland would force the king to recall his commission, as they had already ordered his manifesto to be burnt by the common hangman. In February some of his forces had landed in the Orkney islands; and in March they had an appearance of an army. In the beginning of April he landed, with all the men, money, arms, and ammunition he could collect, in Orkney, from whence they transported themselves to Caithness, the farthest land in the north-east part of Scotland; but as the miscarriage of his enterprize never has been fairly represented by the Scotch historians, it is necessary to examine his situation, which does not redound greatly to the honour of his master. This I am enabled to do from state papers and original letters, by which the profound dissimulation of Charles, young as he was, will appear.

Dated Sept.
5, 1649.
Inconsistent
conduct of
Charles.

Besides the general commission Charles gave to Montrose, he gave him one empowering him to borrow money from the city of Hamburgh, half of which was to be employed upon his own preparations, and the other half to be remitted to Amsterdam, for the king's use. On the 19th of September, 1649, Charles wrote Montrose a very strong letter, encouraging him (whatever reports he might hear) to continue his preparations for making a descent upon Scotland. On the 22d of January following, he wrote a letter from

A. D. 1650,

from Jerfey to the committee of estates, acknowledging their authority, and empowering them to fend commissioners to treat at Breda. He sent, at the same time, another letter to Montrose, in which he has the following expressions: "In the mean time, we think fit to declare to you, that we have called them a committee of estates, only in order to a treaty, and for no other end whatever; and if the treaty do not produce an agreement, as we are already assured, that the calling of them a committee of estates, in the direction of a letter, doth neither acknowledge them to be legally so, nor make them such." Charles afterwards says in the same dispatch, "We require and authorize you to proceed vigorously and effectually in your undertaking, and to act in all things in order to it, as you shall judge most necessary for the support thereof, and for our service in that way." I here leave my reader to his own reflection upon this duplicity of Charles. I must, however, inform him, that in the declaration which the committee of estates emitted in answer to Montrose's manifesto, they expressly declare, that the king (in treating with their commissioners in Holland) denied his having given any commission to Montrose, or any other, to invade Scotland. The truth is, Montrose's manifesto was a frothy declamatory paper, and gave the committee of estates great advantages.

Dated Jan. 4.

A. D. 1650.
Montrose is
taken prisoner.

Many of the best friends Charles had, knew not how to reconcile his commission to Montrose, to his treating with, and acknowledging the authority of, the states. Neither the clans in the north nor the Gordons moved to his assistance. This was partly owing to the aversion which the former had to foreign officers, and partly to subsisting animosities between Montrose and the family of Huntley. His landing was no sooner known, than the committee of estates ordered some troops to rendezvous at Brechin, under colonel Strahan, who was to march, without delay, against Montrose. Strahan was so expeditious that Montrose was surprized. The islanders, upon the first charge, threw down their arms; and his German and Dutch troops, after defending themselves for some time, were made prisoners, together with all the officers of Montrose's army who were not killed. About two hundred fell on the spot. The whole number of prisoners were twelve hundred; and among them were colonel Urry, the lord Fren-draught, Sir Francis Hay of Dalgety, colonel Hay of Naughton, and colonel Gray. Upon the whole, Montrose seems to have been so deficient, in point of intelligence, that he had no opportunity of displaying his wonted conduct and courage. His men being routed, he changed cloaths with a common highlander; and after wandering about for some days, he was discovered,

vered, and seized by the laird of Affint, who A.D. 1630,
sent him prisoner to Lesley.

That general was then advancing with the His sentence
and execu-
tion.
cavalry to support Strahan, whose command was independent upon his; and he treated his illustrious prisoner with a barbarity that would have disgraced a savage. He was not suffered even to change his cloaths till he came to Dundee; and the states at Edinburgh, on the 17th of May, passed upon him the following sentence, which I shall here insert, to shew the true spirit of the ruling covenanters. It was, "That he should be met at the gate of the city by the magistrates, attended by the hangman; that he should be immediately put upon a cart, and fastened to it with cords, bare-headed; and so carried through the city, the hangman driving the cart with his bonnet on, and clad in his livery; that he should be hanged upon a gibbet erected at the cross of Edinburgh, with the book which contained the history of his wars, and his declaration tied about his neck; and after remaining three hours upon the gallows in the public view of all the people, that he should be cut down, and his head severed from his body, and fixed upon the Tolbooth of Edinburgh; and also his legs and arms cut off, and placed over the gates of the cities of Aberdeen, Perth, Glasgow, and Sterling: that if he repented, and was therefore absolved from the sentence of excommunication by the church,
before

A.D. 1650. before his death, his body might be buried in the common burial-place; but if not, that it ought to be buried at the public place of execution."

This sentence was executed with a most barbarous punctuality; nay, with additional circumstances of inhumanity. It deeply affected all who beheld the scene with indignation and compassion, excepting the sufferer himself. He seemed to convert the disgraceful cart into a triumphal car; and he filled it with an air and dignity that would have graced a Roman conqueror. He was visited by some members of the estates, who informed him that a treaty had been fully agreed upon between them and the king. Being brought before the parliament, he was most unmanfully upbraided for his past conduct; but he behaved with the greatest decency, because, as he said, he understood they were reconciled to his master. He mentioned his conduct in the late invasion, and hinted at the letters he had received from the king, which I have already quoted. He said he had undertaken the invasion in "order to accelerate the treaty which was begun betwixt him and them, his majesty being assured, that whenever he should have agreed with them in a firm and lasting peace, he would be ready to lay down his arms." The rest of his speech contained the sentiments of a good patriot, a loyal subject, and a sincere christian. It is equal to any composition

A. D. 1650.

position of the same kind in the most enlightened ages. Being remanded to prison, he declined holding any converse with the covenanting party, and behaved with most amazing firmness and serenity. The states were so apprehensive that he would be rescued by the royalists (or, as they were esteemed, malignants) that the soldiers and citizens were put under arms. When brought to the scaffold, he was not suffered to address himself publicly to the people ; nor while he was in prison had his friends been admitted to his company. A boy, however, took down, in short-hand writing, the last words he delivered in private conversation. They are equally sensible as pious ; but it is remarkable that he does not touch upon the legality of his last expedition, and only praises the virtues, and justifies the intentions, of the king and his father. He then submitted to his fate with the greatest magnanimity and resignation ; but the particulars are too numerous to be inserted here.

The reader, from the bare narrative of Montrose's actions, (the particulars of which never were disputed by his enemies) may easily perceive that he was formed with every quality of body and mind that can enter into the character of a hero. His conduct seems to have been carried into extremes. In the last part of his life he was as steady a royalist as he had been before a violent covenanter. His death was followed by the execu-

A. D. 1650. executions of the chief prisoners his friends, major-general Urry, Spotswood of Dairfie, Sir Francis Hay, and colonel Sibbald. One captain Charteris, a man of fortune and family, had been over-persuaded by his relations, and on promises of pardon, to make a solemn recantation. It was read publicly with great exultation, by the ministers, when he was brought to the scaffold ; but instead (as he had been flattered) of receiving his pardon, he lost his head. His fellow-prisoners died with the greatest firmness and intrepidity. As to the other prisoners, who were foreigners, or in foreign services, they were dismissed, after engaging never to enter the kingdom again in a hostile manner.

Charles agrees with the covenanters.

Charles no sooner heard that Montrose was defeated and executed, than he threw himself entirely into the arms of the covenanters, and embarked for Scotland with their commissioners. During his voyage they produced fresh instructions from their constituents, insisting upon higher terms than ever ; particularly that he should disown all the transactions that had passed between the marquis of Ormond and the Irish Roman catholics. This demand was, in effect, requiring Charles to sacrifice the marquis, one of the worthiest and greatest subjects he had ; and he resented it so much, that he threatened to land in Denmark instead of Scotland. The two English counsellors he chiefly consulted, were the duke of Buckingham and the

the lord Wilmot; men of the most immoral and irreligious principles. They advised him to submit to all conditions that could be required of him, with a view of breaking them when it was in his power; and he suffered himself to be carried to Scotland. Argyle had been in hopes that Charles had so much of the blood of the Stuarts in him, as not to give up either his religion or his royalty. Being undeceived as to this, he insisted upon all the concessions which had been granted to the Scots during the late reign being confirmed; that the king should sign the covenant, and dismiss from about his person all who were disagreeable to the states, among whom was the duke of Hamilton. Even those demands were complied with, and the duke retired to his isle of Arran. Other covenanting royalists secreted themselves in the country, or returned to Holland; and a few were suffered to lodge in the houses of the king's friends, but at a distance from his person.

Those preliminaries being settled, Charles was treated with all the respect and attendance that had been paid to his ancestors. Argyle endeavoured to make him sensible that the covenanters were the best friends to civil and religious liberty; and that it was by those principles alone he could hope to reign in Scotland. In the mean while, he was suffered to exercise no personal acts of power. He had no voice in the management of government; and it was

Cromwell
declared
captain-ge-
neral of the
English
forces.

A. D. 1650. with the greatest difficulty he procured leave for the duke of Buckingham to be admitted to his person. The greater the restraints were under which the king lay, the greater seemed to be the alacrity of the common people for his service. Notwithstanding the desire of the English presbyterians to be re-united to their brethren of Scotland, yet Cromwell's interest in the house of commons, and the vigilance of Lambert's army on the borders, put an end to all hopes of that kind, which were entirely incompatible with Cromwell's views. His management was such, that when Fairfax declined to accept of the command against the Scots, he was laid aside, and Cromwell was declared to be captain-general of all the forces raised, or to be raised, within the commonwealth of England; and on the twenty-ninth of June he left London to head his army. The party of the disaffected covenanters seemed, at this time, to be extinguished in Scotland; and I am of opinion that neither Argyle nor his friends wished to abolish monarchy, if they could have reconciled it to liberty. Whatever correspondence they might have formerly had with Cromwell, they looked upon the march of the English army towards Scotland, as an attempt upon the independency of their country. They took their measures so well, that when Cromwell, on the 18th of July, arrived at Berwick, he found he could depend upon no
sup-

supplies but what he drew from his fleet, which were precarious and difficult. A. D. 1650.

Lesley had been appointed commander in chief of the Scots. His army was about twenty-one thousand men, but most of them awkward and ill disciplined, and differing in principles as well as professions. That of Cromwell consisted of eighteen thousand, the best troops in the world. The Scots were under the farther disadvantage, that their enthusiastic preachers had, by this time, actually wrested the command from their general and military officers, and had inspired the soldiers from the pulpit with notions of certain victory, in case of an engagement. This rendered all the prudent dispositions of their generals useless. Cromwell, notwithstanding the many inviting manifestos he published, had not been joined by ten men since his leaving Berwick; and he had struggled with great difficulties, in his march from thence to Dunbar. He was cut off by the Scots, as well as the stormy weather, from all communication with the sea. The castle of Edinburgh was in possession of his enemies, and their army was posted so advantageously near that city, that it could not be attacked. He had a space of about eighteen miles, between Edinburgh and Dunbar, to range in. He practised every stratagem of war to draw the Scots to a battle; and he was victorious in all the skirmishes between his soldiers and Cromwell invades Scotland.

A. D. 1650. their parties ; but all was ineffectual for either bringing on a battle, or procuring subsistence for his troops. He at last pitched his camp on Pentland hills, to fight (as Whitelocke expresses it) for his victuals ; and he marched from thence on the first of September to Dunbar, in hopes of obtaining relief from his fleet.

His distresses in Scotland,

where he defeats the covenanters at Dunbar,

His distresses rendered the covenanting preachers almost furious for a battle. Their officers were obliged to submit ; and putting their army in motion, marched to gain a pass between Dunbar and Edinburgh ; but they found it possessed by the English. Cromwell was then at the earl of Roxburgh's, and felicitated his officers upon their deliverance, as a battle was now unavoidable ; and he thought that fighting and beating the Scots were the same. He supported the pass with the main body of his army ; and his veterans attacked the undisciplined Scots with so much success, that though the latter were by that time double the number of their enemies, they scarcely met with any resistance. The field became a scene of slaughter rather than that of a battle. Four thousand fell on the spot, and ten thousand were taken prisoners in their flight towards Edinburgh. One half of the latter were desperately wounded, or unfit for service : the other half were sent to London, from whence they were transported to the English plantations. All their colours, artillery, arms, am-

mun-

munition, tents, and baggage, with the greatest part of their officers, whose names deserve no part in history, fell into the hands of the enemy, whose loss was so inconsiderable that it is not mentioned. A. D. 1650.

It is hard to say, whether Cromwell or Charles was the best pleased at the defeat of the covenanters. They gave out, that they did not take arms to fight the English, but to support the covenant; and it is certain, that Charles would have been no gainer had they been victorious. The zeal and confidence of their frantic preachers continued, notwithstanding their defeat at Dunbar. The marquis of Argyle might have retrieved all; but the more he conversed with Charles, he thought he had the less reason to trust him. He sought, however, to make him his friend, even against the royalists; and Charles did not seem to dislike a proposal that was made for his marrying Argyle's daughter. Though both sides dissembled, yet Argyle was obliged to give way so far, as to admit such of the royalists as Charles was pleased to call about his person. In a short time, the royalists became powerful enough in the parliament to repeal, or (as they called it) rescind the act of classes. The behaviour of the clergy gives countenance to bishop Guthrie's assertion, that they were in general inclined to the royal cause, though intimidated by the violence of the covenanters. The general

The Scots inclined to Charles.

A. D. 1650 neral assembly, to confirm the repeal of the act of classes, very sensibly passed a vote, that while an enemy was in the heart of their country, all the sensible or able-bodied inhabitants might be raised for its defence. At the same time, all the malignants who were to be admitted to the king's service, were publicly to profess their repentance; which they did in such a manner, that it became little better than a matter of merriment.

Campaign
in Scotland.

Vol. iii.
p. 153.

Charles at this time resided sometimes at Perth, and sometimes at Stirling. He had the face of a court; but after the battle of Dunbar, Cromwell seized and demolished most places of strength by south the Forth, Edinburgh castle and Dumbarton excepted. It appears from Thurloe's State Papers, that such had been the rapaciousness of the Scotch nobility and others, since the accession of the house of Stuart to the throne of England, that the whole neat revenue of the crown amounted at this time to no more than seventeen thousand six hundred and ten pounds eighteen shillings and eight pence sterling. It would have been impossible for Charles to have defrayed the expence of his court, army, and government, had he not been supplied by the generosity of some of the northern courts, by which he dexterously formed a party even against Argyle himself. The royalists now repaired to his person without asking leave.

The

The duke of Hamilton joined him with a hundred volunteer horse of rank and quality; and he gave commissions to all whom he thought most capable and best affected to his service. Strahan, who had defeated Montrose, was committed prisoner to the castle of Dumbar-ton; and Lesley, the late general, being accused of treachery in the late battle, was ordered to clear himself from that charge. Other violent covenanters were likewise put under arrest*; and Argyle was often out-voted both in the parliament and at the council-board.

Mercurius Politicus.

Cromwell, notwithstanding his victory at Dunbar, and his being master of all the southern Lowlands of Scotland, was by no means at this time in a desirable situation. He found the reduction of that kingdom more difficult than he had imagined. His parties under Lambert and other officers, had indeed beaten colonel Car in the west; but Charles was in possession of the pass of Stirling, and had at his back the most populous and best affected

Difficulties of Cromwell,

* The History of Scotland has not been professedly written during this period: but I am possessed of a collection of newspapers, printed at the time, which amply supply that defect. It is entitled, "*Mercurius Politicus. Comprising the Summe of all Intelligence, with the Affairs and Designs now on foot, in the three Nations of England, Ireland, and Scotland. In Defence of the Commonwealth, and for Information of the People.*" As those papers are drawn up for the information of the English independents, the facts may be depended upon. The collector is a shrewd sensible writer, and no way favourable to the party of his employers. It appears, that great part of his intelligence came from people about the king's court.

A.D. 1650. counties in Scotland. The winter season was drawing on, and the English army was very sickly. Cromwell behaved with uncommon humanity in his marches; but he resolved, under all disadvantages, to reduce the castle of Edinburgh. It was commanded by one Dundas, and was provided with all the means of making a good defence. Numbers of the fierce covenanting preachers were shut up in the place; and Cromwell, before he opened his trenches, invited them to resume their pulpits, but they rejected the offer. It was thought that the castle might have held out for at least two months; but it was surrendered soon after the English artillery began to play. The garrison obtained very honourable terms; but all the arms, ammunition, and brass artillery, fell into the hands of the English. From the dispatches sent upon this occasion, especially one from Sir George Downing, there can be no doubt that the place was betrayed by Dundas; for the English were amazed at their own conquest, when they entered the place on the twenty-fourth of December.

who takes
Edinburgh
castle.

1651.
Charles
crowned in
Scotland.

The loss of Edinburgh castle, and consequently the city, was a severe blow to Charles, who was then making preparations to be crowned at Stirling. All Cromwell's difficulties for subsistence were now vanished, and a passage was opened for him between Leith and the

the Fife coast. Colonel Fenwick was appointed governor of Leith and Edinburgh castle, the late governor and garrison of which voluntarily remained in the English army; a strong proof of their treachery. Charles endeavoured to unite all parties in his service, by the compliances he made to the more moderate covenanters. Wilmot, Seymour, and other English royalists, were not only re-admitted, but invited back, to court; and the clergy all over the kingdom were as zealous for the royal cause, as they had been cold in it before the battle of Dunbar. The king's coronation was performed the first of January at Scone, with as much ceremony as his circumstances at the time could admit of; but Argyle and his party had still so much influence left, that he was obliged to take the covenant, and to submit to other previous mortifications, the crown being put upon his head by Argyle himself. When this solemnity was over, the preparations for taking the field were pressed with great vigour. I perceive, however, that the levies were opposed by Rutherford, and other rigid covenanters; for which they were threatened to be proceeded against by their more moderate brethren. Regiments were given to the chief nobility of Scotland, without any distinction of parties. The duke of Buckingham, and under him colonel Massey, commanded the English. The duke of Hamilton

A. D. 1652.

Mercurius
Politicus.

A. D. 1651. was to command the Scots under Charles ; and Lesley, who had cleared himself on his trial, was to be lieutenant-general, and Middleton major-general *. It was in vain for Argyle and his friends to oppose Hamilton, who was now considered as Charles's first minister in Scotland. Articles of impeachment were drawn against Argyle and the chancellor Loudon ; and it is hard to say what might have been their fate, if the former had not prevailed with his nephew, the marquis 'of Huntley, to declare in his favour.

Advantages
gained by
Cromwell,

While the royal army was raising, Cromwell ordered colonel Overton to cross the Forth with one thousand six hundred foot, and three hundred horse. He was followed by major-general Lambert, and colonel Okey, with another party of one thousand five hundred foot, and eight hundred horse, while he himself, about the fifth of February, marched to Stirling, with a design either to strengthen the detachment in Fife, or to force the royal army to a battle. At first he was obliged to return, on account of the weather. He renewed his attempt with success ; and this expedition was looked upon to be the greatest master-piece of generalship he ever performed ; for though he found the Scotch camp too strong to be at-

* In the Mercurius Politicus we find a curious copy of an act for the new levy in Scotland ; but it is too particular and long to be inserted here.

tacked,

tacked, yet he strengthened the detachment under Lambert to seven thousand men. Charles was then at Aberdeen, hastening his levies ; and he had scarcely time to return to Stirling, when Lambert got between him and the northern counties, which gave Charles no alternative but that of either fighting Cromwell, or marching southward.

Cromwell, who had returned to Edinburgh, was then lying dangerously ill of an ague, and could not immediately improve his advantage ; but recovering his health, he prepared to act as occasion should offer. He was greatly assisted by Mr. James Guthrie, the minister of Stirling, who was now at the head of the remonstrant interest in Scotland ; and, though imprisoned by the royalists, found means to spread the spirit of his party all over the nation, to the irreparable detriment of Charles. The marquis of Argyle was then in his own country ; and both he and the chancellor were under a cloud at court. They did not, notwithstanding, declare for Cromwell, and were therefore hated and distrusted equally by both parties. A squadron of the English fleet under Dean arriving in the Forth, the English were absolute masters of that river and all the sea-coasts, and Monk reduced the castle of Blackness. The earl of Eglinton and his son were taken prisoners, as they were endeavouring to raise recruits for Charles ; and Cromwell,

A. D. 1651. either for conveniency or subsistence, or to draw the royal army across the Forth, marched to Glasgow, where he had a friendly interview with Guthrie and Gillespye. Provisions falling short in the West, Cromwell returned to Edinburgh, where his army, particularly the horse, suffered considerably for want of provisions; but the royal army at Stirling was under the same misfortune. A return of Cromwell's ague gave them great spirits, and encouraged Charles to put his army in motion for England. Two English physicians sent from London recovered Cromwell, who immediately called in all his parties. When the two armies came within sight of each other, Charles held a council of war, when it was debated, Whether he should march to England, or give battle to Cromwell? The former was resolved on by the majority, chiefly by the voices of the English themselves; but Cromwell once more shut them up in Stirling.

who defeats
the royalists
in Fife.

In the mean while the royal party received a severe blow in Fife, under major-general Brown and colonel Buchanan, who were at the head of five regiments of their best cavalry, and five of Highland infantry, all picked men. They had been detached from the Scotch army to cut off Lambert, who remained still in Fife; but were themselves entirely defeated, with the loss of two thousand killed, and about fourteen hundred taken prisoners, among whom

Letter of
Lambert
from North
Ferry, July
22.

whom was Brown, their commander in chief. Others say, that not above two hundred of them escaped to Stirling. The loss of the English did not amount to above eight men, according to Lambert's account. Perth was next reduced by Cromwell's forces. Those dreadful blows threw even the best affected of the royalists under Charles, into doubt and despondency. He could now have no resources from the northern counties; desertions from his army were daily encreasing; Cromwell refused to fight but upon his own terms; and the royalists must either starve, disband, or march into England. To do Charles justice, he behaved much better than could have been expected from his youth and education. He affected to assume a military dress and behaviour, and interposed his authority to unite all his troops in his service, but to very little purpose; for the true royalists still refused to do duty under Lesley and Argyle. Little could be expected from an army officered by men, who would have rather fought each other than the enemy. Cromwell's health did not permit him immediately to be active in person; but he trusted to Lambert and Harrison, and appointed Monk to command in Scotland while he was absent. In the mean time, dissensions ran so high among the royalists, that Charles ordered Hamilton, Argyle, and Callendar, to be confined; and took that opportunity

A. D. 1652.

Letter from
the duke of
Hamilton
to his niece.

Letter from
Sir George
Downing,
Aug. 7.

A.D. 1651. opportunity of retiring for two days to a party of his Highland friends, who promised great things in his favour; but finding they could perform nothing, he returned to Stirling, where he found the situation of his affairs so desperate, that he put his army in motion towards England. The marquis of Argyle remonstrated against that resolution, but without effect; and he retired to his estate. He has been severely censured for that part of his conduct; but undoubtedly it is defensible, and could be dictated by nothing but the sense he had of his country's impending calamities; for neither he nor his friends joined Cromwell; nor does it appear that, during the whole course of the war, they made any bargain with him or his party.

Charles utterly defeated at Worcester.

Lord Clarendon thinks that Cromwell was outwitted, by suffering Charles to steal a day's march upon him. It is unfair to form conclusions from events; but it appears from Cromwell's own dispatches to the parliament at the time, that he thought it an eligible measure to suffer the king to march into England. He knew that the earl of Derby and the other royalists in the northern counties had made great promises, and that they would perform next to nothing. He foresaw the destruction which a winter's campaign must bring upon his own troops; and he was well acquainted with the want of discipline and differences that pre-

prevailed in the royal army. He had dispatched general Harrison, colonel Rich, and other active officers, who marched by a different route from that of the royalists; and Charles entering England on the sixth of August, found that he had a greater army to encounter in the front, than that which was following him under Cromwell, in the rear. He had laid great stress on the assistance of lord Derby; but that nobleman was totally routed by the rebels. Charles depended upon the English presbyterians, the inveterate enemies of Cromwell and the independents; but on their discovering, by some intercepted letters, that he was in his heart an irreconcilable enemy to the covenant, they laid aside all thoughts of joining him; nor were even the English royalists very fond of enlisting with an army of Scotch invaders. The number of men that marched with Charles from Stirling might be about twenty-two thousand; but desertions increased so much among them, that they dwindled into fourteen thousand; and Lesley their major-general's opinion was, that even those would not fight. The duke of Hamilton, tho' he more than apprehended the perdition that attended the invasion, acted with great spirit and magnanimity. He saw an end of all Charles's promising resources out of England. He did all he could to animate the troops, and prevent farther desertions. Charles had hopes that Shrewsbury and Gloucester

A. D. 1651. cester would declare for him, and had some thoughts of marching towards Wales ; but all his prospects failed him ; and on the fifteenth of August he had in his front an army of six thousand horse commanded by Lambert and Harrison, besides three thousand foot, who had taken possession of Warrington bridge.

Lesley seemed to be industrious to fulfil his own prediction, that the army under Charles would not fight ; for he did all he could to prevent them : but Charles himself and the duke of Hamilton beat the enemy from Warrington bridge ; and Lambert's foot must have been destroyed, had not Lesley given it as his opinion in the council of war, against that of the duke of Hamilton, not to pursue them. There is some reason, however, to believe, that Lambert had secret orders from Cromwell to suffer the Scotch army to advance farther into England. Had Lesley been hearty in his master's service, this precaution might have proved fatal to Cromwell. The roads, through incessant rains, were so heavy, that his marches were retarded ; and Hamilton proposed to march directly to London. This would have been the wisest measure the royalists could have pursued ; but the English under the earl of Derby and lord Widdrington, and Tidderfley, refused to join them ; and so much time was lost, that Lambert posted himself on the road to London ; and Charles, upon the advance

vance of Cromwell, marched through Worcester, while the party under the earl of Derby was defeated by Lilburn. When Charles arrived at Worcester, he found his affairs desperate; but he made the best dispositions he could, by fortifying the city, and taking an advantageous encampment in its neighbourhood.

The English historians have not done justice to Charles and the Scots, in their narratives of the battle which followed. Not only the independents but the presbyterians branded the proceedings of the royalists with the odious term of Scotch invasion; and in about twenty-four hours after Charles took post at Worcester, he was surrounded with an army of thirty thousand veterans and twenty thousand militia, commanded by Cromwell in person. The Scotch cavalry attempted to cut their way through the weakest posts of the enemy; but their infantry refused to second them, for fear of being left prisoners; and Cromwell forced their main body to the Worcester side of the Severn, over which he threw a bridge of boats. Willing to spare his veterans, he ordered the militia to charge the Scotch army; but they were received with such intrepidity by Charles in person, that they were driven back upon Hacker's regiment; and even the field-pieces, which Cromwell had ordered up to support them, were for some time in possession of Ha-

Particulars
of the battle.

A. D. 1651. milton's regiment. Charles endeavoured to improve this advantage; but was not seconded by Lesley, and the regiments he commanded in Worcester, behaved as unconcerned spectators of the engagement. Cromwell, however, was forced to bring up his veterans, who beat Charles from his chief post, where he had planted some cannon, which were immediately turned against the town. He was now surrounded by the enemy; his horse was twice shot under him; the duke of Hamilton was mortally wounded, and all his posts were mastered. Charles endeavoured to animate his men; and when dismounted, even his enemies allowed that he was among the last who retired into Worcester, having preserved that communication against all the efforts of the enemy. The body under Lesley, both horse and foot, was still unbroken; but Charles could not prevail upon them to charge Cromwell, whose troops had now, with great fury, broke into several parts of the city. He was several times heard to call for death from some friendly hand; and he certainly must have been taken, had not the earl of Cleveland, Sir James Hamilton, the colonels Carlis and Drummond, and some other brave gentlemen, kept the enemy in play at Fort Royal and Sudbury gate; which exasperated Cromwell so much, that he put all to the sword who fell into his hands.

All

All resistance was now in vain ; and Charles was persuaded to make his escape by St. Martin's gate, attended by about sixty horse, in the dusk of the evening, and he was soon joined by a larger body. The reader may easily conceive that the defeat was total and irretrievable, encompassed as the royalists were by the militia forces, who were, if possible, more keen both in the action and the pursuit than the regulars. Harrison's brigade of horse was sent off in pursuit of Charles, whose retreat was favoured by the enemy's rage for the rich plunder they seized. As to the loss of the royalists, it has been variously represented. According to the best accounts, two thousand of them were cut in pieces, and above seven thousand were taken prisoners on that and the two succeeding days. Among the latter were the earls of Derby and Cleveland ; the earls of Lauderdale, Ruthen, Carnwath, and Kelly ; the lord Spynie, Sir John Packington, Sir Ralph Clare, Sir Charles Cunningham, colonel Graves, Fanshaw, secretary to Charles, six colonels of horse, thirteen of foot, nine lieutenant-colonels of foot, six majors of horse, thirteen majors of foot, thirty-seven captains of horse, seventy-two captains of foot, fifty-five quarter-masters, eighty of the king's domestics, with his coach and equipage, and collar of S. S. and standard. The loss of Cromwell was about five hundred regulars, and six

A. D. 1651.
Charles
flies.

A. D. 1651. hundred militia. Upon the whole, Charles was betrayed by Lesley, who had formed a party among both officers and troops against the English royalists. Their intention was to have returned in a body to Scotland, which some of them reached; but Lesley himself, his principal officers, and about fifteen hundred of his men, were taken prisoners by the militia of the counties through which they attempted to pass. As to Charles himself, we have seen his own narrative of his escape. "After the battle (says he) we had such a number of beaten men with us of the horse, that I strove, as soon as ever it was dark, to get from them; and though I could not get them to stand by me against the enemy, I could not get rid of them now I had a mind to it." Many arguments were made for Charles to put himself at their head, and force his way to Scotland; "which (says he) I thought was absolutely impossible, knowing very well that the country would all rise upon us; and that men who had deserted me while they were in good order, would never stand to me when they had been beaten."

*His narrow
escape to
France.*

Few readers are uninformed of his majesty's adventures when he freed himself from this troublesome body of men, who made the best of their way to join Lesley. I shall just mention here, that when Charles took leave of his sixty attendants, they affectionately begged of him

A.D. 1652.

him not to tell them what he intended to do, because they knew what they might be forced to confess. His design, which he imparted to none but lord Wilmot, was to have disguised himself, and travelled to London on foot. He was recommended to one Penderell, a Roman catholic, who with his brothers were remarkably faithful in concealing him; and he underwent a variety of distresses and dangers before he escaped to Bristol, disguised as a footman to his celebrated mistress Jane Lane, from whence a ship carried him over to France. His deliverance was indeed extraordinary, but not wonderful, and far less miraculous, as the votaries of his house have pretended. His secret was entrusted to many; and their fidelity was very uncommon, when we consider the prodigious efforts and menaces employed by his enemies to seize him.

The misfortunes of the king's party were not confined to England; for Monk was equally victorious in Scotland. I have already mentioned that a large body of the royalists were dissatisfied with the officers whom Charles had nominated to the command of his armies, and had remained in Scotland to the number of about four thousand. They lay upon the borders of the Highlands; while the covenanters under Loudon, Argyle, and others, who had refused to march, for opposite reasons, lay dispersed through the country, but without giving any umbrage to the English. The royalists

The royalists subdued in Scotland.

A. D. 1651. alists were, however, in possession of no strong fort in Scotland, for Monk soon reduced Stirling castle. He still commanded the Forth; and colonel Alured stormed and plundered the town of Anstruther, where the inhabitants had refused to deliver up some shipping and artillery. From Stirling, Monk marched against Dundee, which was held by the covenanters. According to Whitelock's account, this was the richest town in all Britain of its bigness; but it was stormed by Alured, whose men killed five hundred of the inhabitants, and made an incredible booty. "Some of my men (says he, in his letter to the parliament) have gotten five hundred, some three hundred, others two hundred, and a hundred pounds a-piece; none of them but are well paid for their service." The earls of Marshal and Crawford, the lords Ogilvie, Bargeny, and other heads of the royalists, upon this, surrendered themselves prisoners to Alured; and their troops, to the number of four thousand, were disbanded. Fifty sail of ships are said to have been taken in the harbour and road of Dundee, and forty great guns in the town.

Two powerful subjects of Scotland remained still unsubdued. These were the marquisses of Huntley and Argyle. The attainder of the former had been reversed when Charles was in Scotland; and he had raised about a thousand eight hundred horse and foot; but, upon Monk's marching north, he and the earl of Bal-

Balcarras retired to the Highlands. Argyle's behaviour had exasperated Cromwell, who accused him of treachery. Argyle, on the other hand, perceiving that Cromwell's intention was to treat Scotland as a conquered country, would willingly have retrieved his past behaviour, and have joined his forces with those of Huntley. Being disappointed in this, through Monk's activity, he offered to treat. Monk, who was secretly instructed by Cromwell, refused to enter upon any negotiation without orders from the parliament; upon which Argyle fortified his houses; and (Scotland being then in a state of anarchy) he summoned, by his own authority, a meeting of the noblemen who still remained in that kingdom. This wise and resolute conduct was certainly of great service to Scotland, especially as Argyle, at the same time, employed all his interest to convince the parliament at Westminster, that it would be dangerous to drive his countrymen to despair.

Cromwell and his chief officers had now returned to London with their prisoners. He was congratulated by a committee of parliament; and he presented each of them with a horse and two Scotch prisoners. The government of England was then republican; but Cromwell had very different views. He intended to have abolished the civil constitution of Scotland, and to have committed the government of it to his own officers. He intrusted Monk with the secret, and instructed him to give

Conduct of
Monk in
Scotland.

A.D. 1651. give no quarter where he met with any opposition. The representations of Argyle made, however, such an impression at Westminster, that the members took the state of Scotland under consideration, and voted large revenues out of the conquered lands there to be given to Lambert, Alured, Monk, Whaley, and Okey, for their behaviour; and a committee was appointed to bring in an act for asserting the right of the commonwealth to so much of Scotland as was then under the power of the forces of the commonwealth. The Dutch war, and some differences among Cromwell's own friends, did not suffer him to make any opposition to this resolution, nor to a vote for sending into Scotland, for settling the government there, the lord chief-justice St. John, Sir Henry Vane jun. major Richard Salway, colonel George Fenwick, major-general Lambert, major-general Dean, and alderman Robert Tichbourne, with general Monk, who commanded there. Monk fell in so far with Argyle's opinion, that he now treated the Scots with great lenity, and was averse to a new war, in which he knew Cromwell would deprive him of his command. He encouraged proposals from Huntley and Argyle; he appointed some of his officers to treat with both; and found them so amicably disposed, that the colonels Overton and Lilburn took possession of Inverness without resistance.

Behaviour
of the preachers
there there,

A commission of the furious clergy, then sitting at Edinburgh, were alarmed. The parliament

A. D. 1652.

ment officers supplied the place of the ordinary courts of justice; and their decisions were so equitable, that they gave general satisfaction. The preachers considered this as a prelude to their own fall, and the ruin of the power they had so long usurped over their countrymen. Though they confessed themselves to be justly punished for their late treaty with the king, yet they sent a letter to Lambert, remonstrating against the proceedings of the army, the subordinating the church to the state, and many other grievances. Their fury served only to strengthen the good understanding between Argyll and Monk, who threatened, if they continued their practices, to proceed against them with military execution; and this menace had considerable effects in quieting their madness.

The commissioners who came from England, took up their residence at Dalkeith; and, upon their arrival, all public acts passed in their name, and in that of the commonwealth of England. In their proceedings they had no regard to the clergy, nor to any power but their own. They exacted an oath of fidelity from all who bore offices in Scotland, and issued writs for commissioners to meet with them from every county there, in order to settle the government of the country. In the mean while they emitted a declaration, by way of an act of grace, "promising the protection of the English parliament to all magistrates and ministers, who should live

Commissioners sent from England to govern Scotland.

A. D. 1651. peaceably under their authority; and an indemnity to all merchants, tradesmen, and handicrafts-men, whose estates were not above five hundred pounds sterling; and to all others, who were not soldiers and prisoners, whose estates did not exceed two hundred pounds, for all they had committed during the late wars and commotions."

I am here to acquaint the reader, that the Scots have deemed this period so disgraceful to their country, that they have left us no account of its transactions, which I am obliged to collect from the state-papers, and other publications of the time. That Scotland was then very low in reputation and spirit, is not to be dissembled; but I am clearly of opinion, that the moderation of Argyle saved the inhabitants from greater miseries than Cromwell had lately inflicted upon the Irish; and that it prevented a general massacre of all whom he pleased to mark out for destruction.

Their proceedings.

The commissioners at Dalkeith received instructions to draw up a plan for a union of the two kingdoms. This proved a matter of great difficulty; and, after long deliberation, the English parliament was of opinion, that twenty-one representatives in parliament was a sufficient proportion to be sent to Westminster from that country. An act of union was accordingly drawn up, which was to be tendered to, and signed by all, who had voices in sending up the
twenty-

twenty-one members. Thirty shires and stewarts, and fifty-eight boroughs, received writs to send their deputies to Dalkeith, from whence they were to proceed to Edinburgh, and there chuse their twenty-one representatives. Of the fifty-eight burghs no more than forty-four attended; but all the deputies from the counties, excepting Orkney, appeared. Great confusion followed on account of the indetermind numbers of deputies sent up by the several counties and burghs. Many of them refused to sign the act of union, and were therefore disfranchised by the commissioners; so that before the meeting at Edinburgh, the number of deputies from the shires dwindled down to nineteen, and to thirty-seven from the burghs. Each shire and burgh had but one vote, whatever might be the number of the deputies; and no more than thirty-four subscribed the union, or voted in the election of the twenty-one members. Seven representatives were chosen out of the thirty-four; and Argyle, who was extremely active during the whole transaction, was elected one of the representatives. It would be superfluous to recount all the difficulties and irregularities that were surmounted by that nobleman's steadiness. The royalists, who had formed a new army in the Highlands, seemed to court the union, in order to be revenged upon the violent covenanters. Numbers of gentlemen and others, whose relations were pri-

A. D. 1652. soners in England, were willing to comply; and, above all, even the common people began now to think that no slavery could be equal to what they had already suffered from their preachers. The parliament officers affected the character of being the scourges of presbytery. They preached and prayed in all churches; and, at last, the English commissioners themselves demanded a total abrogation of the Scotch municipal law, and the established religion. This was prevented only by the firmness of Argyle, who threatened rather to join with the royalists than to agree to it; and had raised a considerable body of his friends and followers, to support his declaration. The commissioners had their reasons for not driving him to despair; and sent major-general Dean and major Salway to treat with him. After some conferences, Argyle agreed to admit the English judges into Scotland, thinking, perhaps, that the municipal law there could not be changed for any worse system of slavery. The established religion was to continue, but without being suffered to encroach upon the civil power. I do not, however, perceive that juries were at this time introduced into Scotland; but it is certain that justice was never known to be so impartially administered in that country, as under the new judges. The union between the two nations remained still imperfect; but when the Scotch representatives arrived at Westminster, a committee

mittee was appointed to treat with them about it ; and, in the mean while, forts were erected at Leith, Air, Inverary, and Perth, for bridling the inland parts of the country ; and Monk carried his army into the Highlands.

Cromwell had now formed a scheme for destroying the English republic, which, during the short time of its existence, had carried the power and glory of that country to an amazing height. His views were facilitated by the death of a greater and honest man than himself, and one equally concerned with him in the death of Charles, and the destruction of monarchy ; I mean the celebrated Ireton, who was so thorough a republican, that, in order to establish a commonwealth, he was contented to act a second part under his father-in-law Cromwell, while he might have been the first man in England. Cromwell, however, durst not assume the kingship, though he abolished the republic by means of the army, to which a large debt was due. The number of English troops then in Scotland amounted to eighteen thousand one hundred and forty men, besides garrisons ; and their monthly pay was forty-two thousand four hundred and forty-five pounds, six pence. Officers, as well as men, were English ; for, tho' Cromwell had not objected to the Scots being admitted into parliament, he excluded them from the army. The great men of which the republic was composed, had not been sufficiently aware of

Cromwell
dissolves the
English par-
liament.

Crom-

A. D. 1652. Cromwell's arts. They trusted too much to their own power as a parliament; and they had but imperfectly provided for the permanency of the executive part of government. Many of their funds had fallen short; and the army, by being creditors, became masters of, instead of dependents upon, the legislature. This was the circumstance which enabled Cromwell to dissolve the parliament, and to mount the throne without the title of king.

1653.
The royal-
ists again in
arms in
Scotland.

Charles, after his narrow escape from England, resided at the French court, where he became of some importance in mediating between the parties of the queen-mother and the princes of the blood. He had with great difficulty obtained a pitiful pension of six thousand livres a month, which was not sufficient to supply the marquis of Ormond, Sir Edward Hyde, his chancellor of the exchequer, the lord Wilmot, and his other counsellors, with common necessities. All his and their own distresses had not been able to cure his mother of her bigotry and intriguing spirit. Her partiality for Jermyn still continued; and she openly professed a greater attachment to the presbyterian than the episcopal party, both in Scotland and England; for she even pretended that she kept a correspondence with Argyle. The marquis of Ormond and Sir Edward Hyde had credit enough with Charles to secure his secrecy; and they laid before him the dispatches they received
from

from his friends in Great Britain, who declared A. D. 1653. they could be of no service to his affairs, if the queen-mother and Jermyn directed his counsels. They next introduced to him major-general Middleton, who had escaped out of the Tower of London, to the great disquiet of Cromwell; and had just arrived from the Highlands of Scotland, where a body of royalists was still in arms, under the earls of Glencairn and Balcarras. He brought letters from the Highland clans, desiring Charles to give Middleton a commission to command them, which he did unknown to his mother; and Monk being ordered to take a chief command in the fleet against the Dutch, the royalists this year seem to have met with little disturbance. The truth is, Cromwell was so much embarrassed with the prosecution of the Dutch war, the intrigues of Mazarine, and, above all, by the behaviour of his new parliament, that he began to treat the Scots with more regard than formerly.

After Blake and Monk had defeated the Dutch in that sea-fight where the famous Van Tromp lost his life, Cromwell applied to the Scotch representatives, who remained still at London, for putting the last hand to the treaty of Union; upon which they gave in their paper of proposals, which the reader will find in the note *. The terms were very high, and pro-

Terms demanded by the Scots.

* " 1. That the cess of Scotland, which now exceeds the fourth part of the rent, may be abated, and brought to a constant and competent proportion with England. 2. That commissions for courts

A. D. 1651. bably were dictated by the marquis of Argyle, who, as well as the royalists, still continued in arms, and refused to quit them till a civil constitution was settled for his country. The scarcity of authentic papers of state, and of a perfect history of Scotland, at this period, is the more to be regretted, because we know little or nothing of Argyle's true history, but from the representations of his enemies, and those who were concerned in bringing him to the block. The most material evidences of his conduct we have, are published by Mr. Wodrow, in his account of that nobleman's trial; and according to his defence (which we do not find is invali-

History of
the suffer-
ings of the
church of
Scotland.

courts of justice might be issued to men of conscience and abilities, to judge according to the law and practice of the nation; and that the judicatures might be of that same number as formerly, to be nominated by advice and consent of the nation, conformable to act of parliament. 3. That sequestrations and confiscations might be taken off; and that the interest of Scottish men in England and Ireland might be preserved, as was intended by the bill of oblivion; and that course might be taken for the creditors and cautioners of sequestered persons, who otherwise will presently be ruined inevitably. 4. That those who had formerly rights from kings may be continued in their possessions, till their right be discussed before the judge-ordinary; and that course may be taken for the payment of debts contracted by the king before those late troubles. 5. That those who had obtained conveyances and possessions from persons who thereafter fell in delinquency, may enjoy their rights. 6. That prisoners be released. 7. That the mint in Scotland may be set up, as the only present remedy against the extreme scarcity of money there. 8. That those who are engaged for money expended upon the public account of the nation, or hath paid the same, may be relieved and indemnified. 9. That customs and impositions between England and Scotland may be taken off all goods imported and exported betwixt the nations."

dated)

dated) he had always shewn dispositions to co-operate with the royalists, who never would trust him; and major-general Dean, who commanded for some time in Scotland, was particularly jealous of his conduct, and by quartering English regiments upon his estate, forced him to the compliances he made, threatening to make him a prisoner if he refused.

Sufferings
of the
church of
Scotland.

1654.

The differences that arose between Cromwell and Mazarine, in negotiating the Dutch peace, prevailed with the latter to give Middleton credit in Holland for a considerable quantity of arms and ammunition, which he carried to Scotland, where he found the royalists still in arms. The lord Lorn, son to the marquis of Argyle, had joined them under Glencairn. We know not the particulars of the dissension that arose between them, or how far the charge is just, that Lorn attempted to betray the royalists to Cromwell's generals. All we know is, that a letter fell into the hands of lord Kenmure, a royalist, which obliged Lord Lorn to leave that army. Glencairn and Kenmure were soon after forced to separate their troops; but, upon the arrival of Middleton, with the supplies of arms and ammunition, and about two hundred foreign officers, they re-united, and made so good a figure, that Lilburn, Hill, and Morgan, who commanded the English in Monk's absence, thought proper to act on the defensive.

A. D. 1654.
Differences
prevail a-
mong the
royalists.

Monk soon resumed his command in person, and brought with him a strong reinforcement of English troops. The first thing he did was, to produce an ordinance from Cromwell for declaring him protector of Scotland as well as England, and for uniting the two kingdoms into one. The same ordinance proportioned the burden which the Scots were to bear in public expences; and by other ordinances measures were taken for rendering the Highlands more accessible to an army, and for selling the estates of the royalists in Scotland. Monk then gave orders for his army to begin its march against the royalists. The latter had broken among themselves, instead of being united by the commission Charles had given to Middleton. Glencairn and the old nobility disdained to be commanded by a man of inferior quality. Glencairn was for marching down, as Montrose had done, into the Lowland counties; but the wiser part of the royalists thought that to be impracticable, on account of the valour and discipline of the English army. This difference in opinions split them, without any regard to the royal authority, into separate parties. The earl of Glencairn had information (which proved to be a forgery) that Sir Robert Murray, one of the worthiest men in Scotland, and then in that army, was suborned by Monk to employ one to murder Charles. Bishop Burnet hints as if Glencairn himself had been glad of this pretext for breaking

A. D. 1654.

breaking the great credit which Sir Robert had acquired among the royalists. Their dissensions improved every day so much, that they lost all the advantages they had gained ; and by acting in detached bodies their cause was ruined. Middleton was left with no more than eight hundred men ; and though he harrassed Monk in his marches, he was surprized and defeated by Morgan, and all his party (a hundred men excepted) were dispersed. Monk was all this while advancing with his main army into the heart of the Highlands. The marquis of Argyle saw that it was now in vain longer to oppose Cromwell ; and suffering himself to be made a prisoner, about a thousand of his men joined Monk. The earl of Glencairn, the lord Kenmure, the young marquis of Montrose, and the heads of the clans, offered to lay down their arms upon honourable terms, which were accordingly granted them ; and thus Cromwell remained absolute master of Scotland.

I am of opinion that those submissions of the royalists were brought about by certain presentiments of their leaders, that Monk, in his heart, was no enemy to the royal cause. Charles certainly was of the same opinion ; for he wrote him a letter from Cologne soon after, conceived in those very terms. Whatever may be in this, it is allowed by bishop Burnet, and other writers, that Monk and Cromwell's officers used their authority with so much equity and mo-

Monk suspected in England.

A. D. 1654. deration, that, during its continuance, Scotland enjoyed a perfect state of tranquillity ; and the money which their army spent among the inhabitants, rendered their trade more flourishing, and their country more wealthy, than either had been for many years. The difficulties with which Cromwell was forced to struggle, before he could be firmly settled, rendered the friendship of Monk (whose principle certainly was moderation) of great importance to that usurper. Colonel Overton, who had done vast services in Scotland, consulted, at London, with Wildman and other members of parliament, who hated the protector, about seizing Monk, and marching his army into England. The lord Grey and colonel Okey joined in this design ; and it was resolved that no supplies should be voted for the army in Scotland, in order to render it more pliable for any desperate enterprize. Cromwell himself was represented by his enemies, both without and within parliament, as a greater tyrant than Charles the first had ever been. The protector waited the result of the parliament's deliberations for some time; but finding them turn entirely against himself, he dissolved them.

Thurloe,
Vol. III. p.
147.
1655.

Conduct of
lord Brog-
hill.

A general insurrection, in which presbyterians, anabaptists, and other sectaries, as well as royalists, were engaged, had been planned to break out at this time in England. It was the most promising that ever had been formed
against

against the usurper ; but his intelligence was so early and particular, that all the schemes of the conspirators were broken in pieces, and many of the most forward among the royalists were executed ; and others laid under heavy penalties. I meet with no concern which the Scots had in this insurrection ; but it is easy to observe from the state papers, that their obedience to Cromwell's government was rather through conveniency than principle. He had appointed the lord Broghill to be president of the council in Scotland, with a salary of two thousand pounds a year. Broghill was a man of great parts, and by no means disagreeable to the royalists. His descendants, and the friends of his family, have been at vast pains to vindicate his memory, with regard to the part he acted under Cromwell, and to reconcile it to his duty to the royal family. Without entering into particulars I am of opinion, that great part of his conduct was directed by events. From Thurloe's state papers, he appears to have been indefatigable during his presidency, in defeating the designs of the royalists in Scotland ; and he afterwards pretended that he was thereby their friend, because they were always so ill concerted that they could tend only to their own ruin. Happily for Scotland, he agreed with Monk in his principles of moderation ; for it is certain that the greatest part of the Scotch preachers, excepting the remonstrators, who were

A. D. 1655. were headed by Guthrie the minister of Stirling, prayed for Charles by name in their congregations. Broghill tampered so successfully with their leaders, by promising to procure them satisfaction in their demands, and pardon for all that was past, that he brought them into temper. The resolutioners were opposed to the remonstrators, who are sometimes called protesters; and their frequent jarrings often obliged both parties to have recourse to the president of the council. Broghill sometimes referred them to Cromwell himself; and in those cases, both parties sent up agents to take care of their interests at London.

1656.
Rise of
Sharp, afterwards
archbishop
of St. Andrew's.

Among those employed by the resolutioners was the famous Mr. James Sharp, afterwards archbishop of St. Andrew's, whom Broghill had gained over to endeavour at an union between the two sects. Authors have been divided in their opinions of Sharp, according to the different parties they espoused. There can be no doubt, that, at this time, he was a strenuous advocate for presbytery, which is no proof of his dissimulation, tho' the high preferment he obtained is of his address and penetration. His learning was very moderate; and with regard to his virtue, I find little charged against it, except his having, through his immoderate ambition, left his party, and accepted of the metropolitical see. He is so far to be vindicated, that, like the rest of the resolutioners,

his

his compliance with Cromwell's government was only a matter of conveniency ; and he undoubtedly took the first opportunity, as appears by letters from colonel Massey to the king, of entering with great frankness into the royal cause. A. D. 1656.

Those ecclesiastical bickerings employed the attention of the people of Scotland during this year ; though I perceive, that it was with difficulty that Charles and his ministers abroad prevented the Highlanders from taking arms against the English in Scotland. Though Cromwell knew of this correspondence, yet such was his situation at this time, that he could trust none of the parties in England, and not even his own family, with his secrets. The famous colonel Sir William Lockhart, a Scotchman, was his chief minister for foreign affairs ; and when he created his house of lords, he made him one of its members, as he did the earl of Cassils, and Archibald Johnston of Wariston. These are the only three Scotchmen I can perceive in the number. It is certain, that for some time before his death, he relaxed in his severities against the Scotch royalists, and they were, in general, quiet under his government, during the remaining part of his protectorship ; which was by no means the case with those of England. This is one reason why the history of Scotland is, at this time, little better than a blank. That kingdom, however, was the 1657.

Death of
Cromwell.

1658.
Burnet's
Summary.

A.D. 1658. the scene of that successful negotiation, which afterwards effected the Restoration. I have already hinted at a letter written by Charles to Monk; and there can be no doubt, that he and his little court had great dependence upon that general and his officers. The particulars of Cromwell's death, and of his son's succession to the protectorate, relate to the history of England, as well as the tragical event of a fresh insurrection of the English royalists at this time. Monk was among the first who recognized the authority of Richard, and brought his army to do the same. Lord Falconbridge, Richard's brother-in-law, had some suspicion that Monk was tampering with the royalists; and gave a hint of it to Henry Cromwell, who was deputy of Ireland; but the matchless caution and dissimulation of Monk baffled all their suspicions.

1659. One Mr. Otway, who was in his heart a royalist, was persuaded by Mr. Barwick, and some of the king's friends, to undertake a journey to Scotland and Ireland, in order to bring over the colonels Cloberry and Redman, his brothers-in-law, to the royal cause. Cloberry commanded a regiment under Monk; and Redman another in Ireland. They were two of the most active officers the English had; and Charles was in the secret of Otway's commission. He had, by this time, such confidence in Monk, that he had charged Sir John Greenville with a letter from himself to that general, who was then lying

ing at Dalkeith. The letter, which is dated the twenty-first of July, 1659, was as follows :

A. D. 1659.

“ Sir,

Letter from
Charles to
Monk.

“ I cannot think you wish me ill, nor have you reason to do so ; and the godd I expect from you will bring so great a benefit to your country and to yourself, that I cannot think you will decline my interest. The person who gives or sends this to you, has authority to say much more to you from me : and if you once resolve to take my interest to heart, I will leave the way and manner of declaring it entirely to your judgment, and will comply with the advice you shall give me ; the rest I refer to the person that conveys this to you. It is in your power to make me as kind to you as you can desire, and to have me always

Your affectionate friend,

C. R.”

Greenville found means to get acquainted with Monk's brother, a clergyman in Devonshire ; and finding he was by no means averse to the royal service, he entrusted him with Charles's letter to the general. Dr. Clarges, who had married Monk's sister, went to Scotland on the same account ; that of persuading Monk to declare for Charles. In the mean while, it was resolved in Richard's council, that the elections into parliament should be made according to the antient stated forms of the constitution. Those resolutions were so disagreeable

Agents sent
to him by
the roy-
alists.

A. D. 1659. to Fleetwood and Desborough, that they entered into a scheme, which they afterwards executed, for deposing Richard. Thurloe, who was the late protector's great adviser, foresaw that a revolution, which could not be in his favour, was likely to take place, unless he was provident enough to make friends. He endeavoured at first to persuade Richard not to yield to the faction; but he had not spirit enough to support himself. Though the best regiments in England had declared they would support his protectorship; and though their example had been followed by the armies in Scotland and Ireland, yet Richard made no use of those advantages, and poorly suffered Fleetwood and Desborough to turn him out of the government, upon condition of his having a revenue of ten thousand pounds, and his dissolving the parliament. In all those questions I find no mention made of Scotland, farther than that thirty members should be chosen to represent it; but that they should not sit in the house without the consent of the English parliament.

Misconduct. Whatever may be pretended from the evidences that have since come to light, I must be of opinion, that the conduct of Monk on this great occasion was determined by accidents and events. I do not find that either his brother or brother-in-law made any farther impression upon him, than that he declared for supporting

porting the parliament against the army and the independents; and he wrote to Richard expressly in those terms. Otway conceived, however, a good opinion of his intentions, when he saw him employ colonel Cloberry in purging his army from all officers whom he suspected; but his design was so impenetrable, that neither Charles nor his chancellor Hyde had received the least encouragement from him on the twelfth of January 1660. Whatever Monk's private intentions might be, he could not have acted with success in any other manner than he did. In England, the administration of government was in the hands of a committee of safety, in which Sir Archibald Johnston of Wariston presided. As the committee of state had thought proper to dissolve the parliament, Monk, who knew that Fleetwood and Desborough aimed at his ruin, protested against their authority, and that of the army. Upon this, the committee had it under deliberation to strip Monk of his command; but not daring to do it all at once, colonel Cobbet was sent by Lambert, and the heads of the army, to make a party against him among his officers; and then, after putting him under arrest, to take upon himself the command. Clarges, by this time, had returned to England, and had so good intelligence of Cobbet's commission, that he put Monk upon his guard; and when Cobbet arrived at Edinburgh,

1660.
Life of Barwick, p. 228.

A.D. 1666.

Monk's
march into
England.

burgh, he himself was made a prisoner, and Monk cashiered all the officers whom he knew Lambert, who was at the head of the army in England, depended on. He next secured Berwick; and calling a meeting of all the chief noblemen and gentlemen of Scotland, who were then in the neighbourhood of Edinburgh, he declared, in very high terms, that he was resolved to march to England in support of the parliament there. The royalists considered this declaration almost the same as made in favour of the king; and a considerable sum of money was advanced to put his army in motion. While he was upon his march, he declared himself, on all occasions, a friend to the presbyterian religion; and he sent a pass to Sharp on the tenth of January, that he might, according to the request of his brethren, the clergy, attend his person, and give him his advice. Sharp's business, however, was to be a secret; and Monk was so cautious, that it does not appear, that even his most intimate friends had, in plain terms, desired him to declare for the king. Lambert, and the faction at Westminster, thought themselves equally ruined, whether he restored the king or the parliament. Lambert offered to march against Monk; and had he been well-supported by the committee of safety, he might have fought him upon equal terms. They chose, rather than trust to Lambert, to apply to Monk by the
city

city of London and the presbyterians, to join A.D. 1644.
 with them in their endeavours to resettlement the
 kingdom and parliament. Monk had his rea-
 sons for encouraging a negotiation, because he
 knew that Lambert's army must dwindle for
 want of pay; and he sent Cloberry, with other
 two colonels, Wilks and Knight, to treat with
 the committee of safety. Cloberry and Knight,
 instead of proceeding to London, put the king's
 friends upon their guard, and formed all the
 connections they could for supporting his
 cause.

Wilks treated with the committee of safety; and it was agreed, that a perpetual exclusion should be given to the king and the royal family; and that the government should be settled in a commonwealth, without a king, single person, or house of peers: that a general indemnity should pass on all hands; and that nineteen persons should be appointed to consider on proper qualifications for a succeeding parliament. Upon the return of Wilks to Monk at Coldstream, he put him under arrest for having exceeded his instructions, and opened a fresh negotiation with the committee of safety to gain time. He kept a correspondence at the same time with Fairfax, who had raised the gentlemen of Yorkshire to declare for a free parliament, and had even been joined by about twelve hundred of Lambert's soldiers. Monk was still so indetermined, that he did not
 join

He demolishes the gates of London.

A.D. 1660. join with Fairfax. The committee of safety found by Monk's evasive answers, that he was only trifling with them; for during the dependence of the negotiation, all the Irish, and great part of the English army, declared for a parliament, which accordingly met on the twenty-sixth of January. Monk lay all this while upon the borders of Scotland; but when he heard that the late parliament, commonly called the Rump, was re-assembled at Westminster, he sent major-general Morgan back to command the few troops he had left in Scotland; and proceeding on his march to London, he had an interview with the lord Fairfax at York, which city he and his friends had kept for the use of a free parliament. This was farther than Monk had ventured to go; for he had as yet only declared for the rump; but he artfully fell in with the spirit of the nation; and though his army was not above six thousand strong, it was thought they were sufficient to restore the king. The rump, which continued sitting at Westminster, had a much better army; but they durst not trust their officers, and they had imprisoned Lambert; so that they did all they could to make Monk their friend, and even ordered their troops to quit their quarters at London to make way for Monk's army, which entered it on the fourth of February. His caution was such, that he even obeyed the rump, by pulling down
the

the gates and the portcullises which had been erected by the citizens of London, who declared loudly for a free parliament. Upon his return from the city, he mentioned the applications that had been made to him for that purpose; and hinted to the members that they had nothing now to do but to put it in execution. They endeavoured all they could to avoid it; but he sent them a letter, peremptorily requiring them to declare a period to their sitting, so that they might make room for a free parliament. This was a prelude for the restoration of Charles the second, the particulars of which belong to the history of England; nor do I see the least connection which that great event had with that of Scotland.

Mr. Sharp remained all this while at London, from whence he corresponded with his brethren in Scotland. A reverend author has given us the particulars of this correspondence, by which it appears that Mr. Sharp either was, or affected to be, ignorant of Monk's real design; nor do I find that any of the declarations emitted by Charles excepted the Scotch rebels from the ordinary penalties of the law due to traitors. Enough, however, transpires from Sharp's letters, to prove the great influence he had not only over Monk but Manchester, and the other leading presbyterians in England. All parties made application to him next to Monk himself. Wariston begged that he would procure

Mr. Webb
row.

Conduct of
Sharp.

cure

A. D. 1660. cure him a personal pardon; but though he declined all solicitations of that kind, yet he had credit enough to obtain the deliverance from prison of the earls of Crawford, Lauderdale, and his other illustrious countrymen, who had been confined in England both before and since the battle of Worcester. He was of opinion, that a commission should be sent up to Crawford and Lauderdale from Scotland, empowering them to act as a committee from the kingdom of Scotland. He early suspected, that a moderate episcopacy, as it was termed, would take place in England, and was at great pains to disabuse the presbyterian party there, as to some disadvantageous impressions they had received of the king's behaviour in Scotland.

It was no wonder that so many and such important services done to the royal cause prepared the way for Sharp's high advancement. Douglas, who was a warm advocate for presbyterianism, without the least alloy of episcopacy, agreed with Sharp in all his ideas; but found it impracticable to procure such a commission as he wanted for the two earls; and both he and his brethren expressed themselves in favour of the king, provided he was brought in upon what they called covenant terms; and at the same time they shewed their utmost detestation of their brethren, the remonstrators. Though Sharp well knew how impracticable the schemes of his presbyterian brethren were, yet he

he suffered them to continue for some time in their delusion ; and they addressed the Scotch noblemen, who continued still at London, in favour of their religion, but to the utter exclusion of the remonstrators. Some mention was made of a coalition of all the presbyterians in the three kingdoms, for the settlement of the public ; and Douglas drew up a paper on that head with great ability ; but it was evaded by Sharp, because it was founded on the principle of Charles being restored according to the terms of the covenant. In the mean while, a fresh set of English judges had been named for Scotland ; but through the earl of Lauderdale's and Sharp's influence, their journey was stopt, till the sense of the parliament should be known. Douglas still pressed for some public meeting to be held in Scotland, for chusing commissioners to take care of the nation's interest ; but I am inclined to think, that by this time both Monk and Sharp had such an understanding with Charles, that they had agreed to his restoration, without any terms in either kingdom. It is to be lamented, that Douglas and his party in Scotland adhered so closely as they did to the terms of the covenant, which even in Scotland was become unpopular. Had they stuck by the great principles of constitutional freedom, they might have obtained terms, as matters were then situated in England. " There are (says Douglas, in his

A. D. 1660

Douglas's
Letter,
March 31.

Ibid.

A. D. 1660. letter to Sharp) three parties here, who have all of them their own fears in this great crisis: the protesters fear that the king come in; those abovementioned, that if he came in upon covenant terms, they be disappointed; and those who love religion and the liberty of the nation, that if he come not in upon the terms of the league and covenant, his coming in will be disadvantageous to religion, and the liberty of the three nations. Therefore I exhort Crawford, Lauderdale, and yourself, to deal with all earnestness, that the league and covenant be settled, as the only basis of the security and happiness of these nations."

who goes to
the king at
Breda.

From the remaining part of this correspondence between Sharp and Douglas, I can see no great ground for the violent charge brought by bishop Burnet against the former for ingratitude and treachery towards his constituents. They were as warm for the king's return as he could be; nor do I see, as matters were then situated, how such a committee as Douglas wanted could be authorized to act. Both Monk and Sharp thought that such a commission might retard, if not defeat, the Restoration; and Lauderdale was certainly a very improper person for such a trust. With regard to the covenant, Sharp frankly tells his constituents, that there was no hopes of restoring it. The only reprehensible part of Sharp's conduct was, his giving it as his opinion, that

Sharp's
Letter,
April 13.

Scotland

Scotland should make no application till the king came in. In this he concurred with many of the Scotch nobility, who, by Middleton's advice, dispatched one Mr. Murray to Charles, offering to bring him in without any terms. We are informed, notwithstanding, that something like a convention was held in Scotland, and that they chose commissioners, who were to go to London to treat upon terms. Those commissioners, however, were royalists, and the earl of Glencairn was at their head; so that it is no wonder if their business miscarried. Both Douglas and Monk concurred, but for different reasons, that Sharp should repair to Breda, where he was to give the king the true state of parties in Scotland, which Sharp accordingly did; and in all this transaction, he seems to have acted with great prudence and frankness towards his constituents. The presbyterian clergy in England entrusted him likewise with their concerns; and even before he left England, he fairly tells Douglas, that though he should not be accessory to any thing prejudicial to the presbyterian government, yet to appear for it in any other way than is within his own sphere, would be inconvenient, and might do harm, and not good. Upon the whole, his constituents might easily gather from his letters, that a resolution had been already taken at the king's court to abolish the covenant. Notwithstanding this, Mr.

A. D. 1660.

Wedrow's
Introduction.Sharp's
Letter,
March 4.

A. D. 1660. Sharp's constituents sent him a fresh packet of instructions to Breda, in favour of their established religion, and employed the earl of Rothes, who was then going to Breda, to back them. It was not long before they discovered that the earl of Glencairn had given Sharp a letter to Charles, recommending him as a person entirely episcopal by principle, and the fittest man he could trust to in giving him true informations, as to the church and state of Scotland.

Prepossessions of Charles against the presbyterians,

Upon Sharp's return from Breda, where his enemies say he was corrupted, he acquainted Douglas with his apprehensions, that it would be in vain to think of continuing the presbyterian religion in Scotland; and there is a seeming candour in all his narrative of what passed between Charles and himself, without flattering the party; but the particulars are too long to be inserted here. Twenty-eight of the first Scotch nobility was then at court, many of them deeply embarked with the remonstrators; but I do not find that any of them concerned themselves about terms for their country, or the settlement of church and state. The king frowned upon the earls of Loudon and Lothian, and artfully evaded all propositions laid before him by Sharp, as agent of the resolvers, for settling the church government in Scotland while episcopacy was fully established in England. Sharp, in his letters, often reminds his constituents, that moderation and forbearance

A.D. 1660.

ance would do them more service than an ill-timed importunity; but nothing is to be met with in any of the advices he gave them that was not confirmed by after-events; nor can there be the least suspicion that, at this time, he had betrayed their interests. It is probable, however, that he had so far reconciled himself to episcopacy, that as the introducing it was inevitable, he was willing to accept of a bishopric, if it was offered him. The other atrocious charges against him are certainly exaggerated. Sharp, by his letters, appears to be a man of business and address, well fitted for a court, and versed in the management of parties; but he was not a person of such consequence as either by his compliances or his counsels, to have unhinged the whole frame of church-government in Scotland. Charles, notwithstanding his gentle and moderate behaviour, had, from the mortifications he met with in Scotland*, conceived a rooted detestation of presbyterianism in all its forms. He was encouraged in this by the earl of Clarendon, who was by principle an episcopist almost to enthusiasm. The cavalier party (as they were called) in the council were zealous

* Before he was crowned at Scone, he was presented with a long list of crimes committed by his family, his father, his mother, and himself, and required to repent of them all, specifying each in public before the congregation, which he was actually obliged to comply with, but with visible reluctance. The ceremony being over, he told the preacher who was in the pulpit, that he and his brethren omitted one particular of which he repented, which was, that he had ever been born.

A. D. 1660. lous for the abolition of presbyterianism, and its friends were entirely passive, if not forward to obtain favour, by restoring the bishops. The Scotch lords who were at court, many of whom had been zealous and declared friends to the covenant, were men of broken fortunes or abandoned principles. Their estates had been dissipated in the late times of confusion, and they sought to repair them by every possible compliance with the court, or rather with the king, who was at this time considered as the absolute sovereign of Scotland, unfettered by any terms, and at liberty to gratify his most inveterate resentments.

He resolves
to restore
episcopacy
in Scotland.

Upon the whole, therefore, we have no occasion to have recourse to the apostacy and treachery of Sharp to account for the re-establishment of episcopacy in Scotland, as it was an almost inevitable measure, in whatever manner he had acted. The king had made his triumphal entry into London on the twenty-ninth of May, amidst such universal acclamations of his subjects, that he said, "he wondered what had become of the people who had kept him so long abroad." The earl of Clarendon, who acted as his first and sole minister, had kept a regular correspondence with Glencairn, Middleton, and an amazing variety of other people of Scotland; and Charles himself was well acquainted with the state and dispositions of parties there. Middleton was made an earl, and

and appointed commissioner in the ensuing parliament. Glencairn was made chancellor, the earl of Landerdale secretary, the earl of Crawford lord-treasurer, Sir John Gilmour president of the session, Sir Archibald Primrose clerk register, and Mr. (afterwards Sir) John Fletcher king's advocate. The judges who had been lately appointed to the civil and criminal courts of Scotland, were partly English and partly Scots. Their names were Edward Moylie, Henry Goodyear, — Crook junior, John Howie, esquires, and Sir John Wemyss, Sir James Hope, James Dalrymple, John Scongal of Humbie, James Robertoun, and David Falconer. Their commissions were now set aside, and new courts erected, in which those who were alive, and had been expelled during the late usurpation, resumed their seats. As to the clergy, their own imprudence gave Charles too good a handle for reinforcing his garrisons, and encreasing the standing army in Scotland. They held numerous meetings; and in the synod of Lothian, Douglas, being the leader of the resolutioners, who had observed a day of thanksgiving for the king's restoration, inveighed with such indecent bitterness against prelacy, as gave the most melancholy apprehensions to all the moderate part of the kingdom. Sharp had complained of this behaviour, but without effect; and Charles published a proclamation on the second of August, by which he replaced

A. D. 1664,

Settlement
of the ad-
ministra-
tion there.Wodrow,
p. 5.

A.D. 1666. replaced the government of Scotland, till the meeting of parliament, in the committee of estates, which had been named by himself in the year 1651. As many of those commissioners had been deeply concerned in pressing upon Charles the shameful mortifications he met with while in Scotland, they thought they could not wipe away their offences so effectually as by their zeal against their former friends. In the mean while, the most rigid of the remonstrators, and even some of the resolutions, were sent down prisoners to Scotland. Among them was the marquis of Argyle, and Johnston of Wariston. Mr. James Guthrie had been apprehended in Scotland; and it having been resolved in the king's privy-council that a nobleman, a gentleman, and a clergyman, should suffer for their conduct during the late times, those three were marked out as the victims.

Severe proceedings
against the
remon-
strators.

The friends of the covenant grew so uneasy at those proceedings, that the committee of estates, among the first exercises of their power, issued a proclamation against all meetings and conventicles without his majesty's special authority, and against all seditious papers. Other proclamations were issued at the same time, particularly one for suppressing Rutherford's book, entitled, "Lex Rex;" and another composed by Mr. James Guthrie, entitled, "The Causes of God's Wrath." Those books were ordered

ordered to be brought to the king's solicitor; A. D. 1660.
 under the penalties annexed to high-treason. The jails of Scotland were now daily filling with remonstrators and their adherents; and a proclamation was published against leasing-making, or spreading false reports between the king and his people, which, as I have already mentioned, was, by an old act of parliament, rendered treasonable. Under this head was contained all public declarations against the settlement and hierarchy of the church of England; but still no mention was made of introducing episcopacy into Scotland. Lauderdale, who had much of the king's ear, advised Charles, upon a political account, to confirm presbyterianism there; because it would unite the Scots in his service, and he might employ them in rendering himself arbitrary in England. He prevailed so far, that Charles confirmed the acts of the general assemblies that were held at St. Andrew's and Dundee, while he was in Scotland; and likewise the public resolutions which the moderate party had entered into for his service. Those confirmations were obtained by Sharp and Lauderdale, without the knowledge of Middleton; but affairs soon took a different turn. The elections of members of parliament for shires and burghs went according to the direction of the court; so strongly were the common people over-awed by the late proclamations, and the powers that

Wodrow.

A.D. 1652.

had been delegated to the committee of estates. The few who ventured to oppose the court candidates, were, upon various pretexts, clapped into prison, or prosecutions were commenced against them. Those severities must have produced an insurrection, had not Sharp very critically arrived from London with a softening letter from the king, addressed to Mr. Douglas, to be communicated to the presbytery of Edinburgh; for which Sharp had their thanks. In this letter, Charles promised to protect and preserve the government of the church of Scotland, "as settled by law;" words that signify nothing, because they are equally applicable to the episcopal as the presbyterian form of church government.

Steps restoring
episcopacy.

When this letter was made public, Middleton, who was a man of honour, and had already concerted with the king's ministers the restoration of episcopacy in Scotland, publicly resented it, as being shuffling, evasive, and discreditable. The presbytery did not perceive the ambiguity of its contents, and returned thanks both to Charles and the earl of Lauderdale. They, however, made no intercession for their brethren the remonstrators, who were daily subjected to fresh prosecutions, and Charles seemed to be ashamed of what he had done; for he neither sent for Douglas to London, nor ordered a general assembly to be called, according to his promises. When
the

A. D. 1660,

the time of the parliament's meeting approached, a proclamation was issued in pretty high terms, leaving that assembly entirely at liberty to try and judge delinquents during the late usurpation, but promising an act of indemnity at a proper time. Those proceedings were, indeed, insidious; but they had the appearance of moderation, especially after Charles, by Lauderdale's advice, had ordered the forts that had been built by Cromwell in Scotland to be demolished, and their garrisons withdrawn. The election of magistrates for the several burghs, were likewise made entirely conformable to the directions of the court, and the meeting of the parliament was adjourned to the first of January, 1661.

1661,

The records
of Scotland
lost.

When the castle of Edinburgh was taken by Cromwell, Johnston of Wariston, by the capitulation, was at liberty to carry off the public records, and to lodge them in the castle of Stirling. The English intercepted the ship on which they had been put on board; and under pretence of its carrying money and arms, the vessel was confiscated, and its whole cargo sent up to London. Charles now ordered the records to be restored; but, in returning by sea to Scotland, eighty-five hogheads of them were lost, to the irreparable prejudice of the Scotch history. The regalia had better fortune; for they had been preserved by the art and address of Sir John Keith, third son to the earl of

A. D. 1661. Marshal, and were produced at the meeting of this parliament, which was opened with unusual splendor on the first of January. The members rode in state from the abbey of Holyrood-house; the earl of Crawford bore the crown, the earl of Sutherland the sceptre, and the earl of Mar the sword. The earl of Selkirk (now duke Hamilton, by marrying the daughter of the duke who had been beheaded) and the marquis of Montrose rode next to the commissioner, covered. Mr. Robert Douglas preached the sermon, and great pains were taken to inspire the assembly with the highest ideas of the royal authority; for the earl of Athol served the commissioner as cup-bearer on his knee. No mention was made of the covenant. The laws which had passed in the late troublesome times were repealed, tho' the records had been lost. The commissioner in his speech recommended peace and unity; and the chancellor earl of Glencairn was chosen præses or chairman of the assembly. An oath of allegiance was required of every member, implying, that no foreign prince, power, or state, nor person civil or ecclesiastic, hath any jurisdiction, power, or superiority in the kingdom, of which the king was acknowledgd to be supreme governor. Three members, the earls of Cassils and Melvil, and the laird of Kilbirnie, refused to take this oath without explanation; though I can scarcely see upon what
 pretexts,

Conduct of
 the high-
 commis-
 sioner.

A. D. 1662.

pretex^ts, unless it was to revive the late dangerous powers assumed by the covenanting clergy. In the remaining part of this assembly's proceedings, the royal prerogative was exalted to a pitch of despotism, and the acts infringing it since the year 1637, were declared to have been undutiful and disloyal. In the preamble to a succeeding act, asserting the king's power to call and dissolve parliaments, and that all meetings without his authority are void, the happiness of the people is pronounced to depend upon the maintainance of the prerogative: and it was enacted, "that no subject question or impugn any thing in this act, or do any thing contrary thereto, under the pains of treason."

It would be superfluous to multiply all the expressions of the like nature, in the several acts of this parliament, which was intended to dismantle the covenant of all its out-works, and to leave its votaries at the mercy of the crown. This done, all acts of parliament from 1640 to 1648, were repealed in one vote; and though both the king and his father had been present at passing several of the acts, they were considered as extorted by force and violence. At last, the whole established government of Scotland was repealed by one act. The commissioner valued himself upon this bold step so greatly, that it was with difficulty he was prevailed upon not to repair to London, to lay before the king the importance

A.D. 1667. tance of his services. When Sir Archibald Primrose and some of his most intimate friends advised him to bring in the establishment of the bishops surely but slowly, his answer was, "That the parliament was now at his beck; that he loved to serve his master genteely, and to do his business at one stroke."

The lords
of articles
new mo-
delled.

In this parliament, some alterations were made in the constitution of the lords of the articles. This matter admitted of great debate; but at length it was resolved, that twelve noblemen, twelve barons, and twelve burgesses, with the officers of state, shall be in the place of the lords of articles; and that other twelve of each of those estates should be a committee for trade, and hearing of bills. These were authorized, in their several meetings, to hear all matters presented to them, to receive probation of what they found relevant, and report to the parliament twice a week: but the full power is declared to be reserved to the parliament, to debate and determine all matters, notwithstanding those meetings, which are declared to be preparatory. The chief alteration here consists in the exclusion of the episcopal order; but, in other respects, the powers are pretty much the same. The rest of the session was spent in taking measures for the preservation of the public peace against the remonstrators; but still the commissioner spoke of the covenant with some kind of regard, though it was

was easy to see the true intention of the court. A. D. 1662.
 The presbyterian clergy made violent struggles to preserve their authority, but all was in vain; for the courtiers extolled the clemency of the king, in not proceeding more rigorously against a set of men, whose necks were then under his foot.

The marquis of Argyle was still a prisoner, and was now ordered to prepare for his trial. He made a long and vigorous defence, chiefly founded on his having acted by the authority of the king, parliament, and committee of estates, or under the influence of a constraining power. The speeches he made were strong and manly; and he evaded some points he could not well defend with great address; but he cleared himself unanswerably upon many material charges. Perceiving that his ruin was resolved on, he endeavoured to throw himself upon the king's mercy; but the earls of Glencairn and Rothes, attended by Sharp, went to London to lay before Charles a full state of the proceedings of the parliament; and this dashed all his hopes of pardon. On the twenty-fifth of May, being brought to the bar, he received sentence of death. Two days after, he wrote a letter to Charles, in which he professed great sentiments of duty and affection for his majesty, and laid his miscarriage upon the unlawful power and government of the English rebels, which (says he) was an epidemic disease,
 and

Trial and execution of the marquis of Argyle.

A.D. 1662.

and fault of the time. His behaviour under condemnation was calm and serene; and when proceeding to the block, he said, with true magnanimity, "I could die like a Roman, but chuse rather to die as a Christian;" and in that character he met his fate. His speech upon the scaffold has been printed by Mr. Wodrow; but it contains nothing particular, except the following solemn and affecting declaration, as he was laying his head upon the block. "I desire you, gentlemen, and all that hear me, again to take notice and remember, That now when I am entering on eternity, and am to appear before my judge, and as I desire salvation, and expect eternal happiness from him, I am free from any accession, by knowledge, contriving, counsel, or any other way, to his late majesty's death." Argyle was induced to make this declaration in so solemn a manner, because the crown-lawyers had charged him, with great virulence, of being accessary with Cromwell to the king's death. The friends of the family of Argyle have, I think very injudiciously, printed the following promise made him by Charles, when at St. Johnstoun (Perth). "Having taken into my consideration the faithful endeavours of the marquis of Argyle for restoring me to my just rights, and the happy settling of my dominions, I am desirous to let the world see how sensible I am of his real respect to me, by some particular marks of my
favour

favour to him, by which they may see the trust and confidence which I repose in him : and particularly I do promise, that I will make him duke of Argyle, and knight of the garter, and one of the gentlemen of my bed-chamber ; and this to be performed when he shall think it fit. And I do farther promise him to hearken to his counsels ——— (worn out) ——— whenever it shall please God to restore me to my just rights in England, I shall see him paid the forty thousand pounds sterling which is due to him. All which I do promise to make good upon the word of a king.

St. Johnstown,
Sept. 24, 1650.

“ C. R.”

When the circumstances of Charles at the date of this obligation are considered, together with the vast power of Argyle, I cannot help thinking that the transaction has a very mercenary cast ; and that it must have been more for the honour both of the monarch and the patriot that the whole had been buried in oblivion.

Mr. James Guthrie was the next victim to the turn and principles of the times. He was the most obnoxious public delinquent in Scotland, impressed with the very worst ideas of popery, under the mask of an enthusiastic antipathy to it, and possessing neither the learning of a divine, nor the manners of a gentleman *. His

and of Mr.
James
Guthrie.

* It is a certain fact, that being confined by illness to his room at Stirling, the king paid him a visit ; and when his wife
Vot. X. N rose

A. D. 1661. behaviour in his ministerial capacity had been next to frantic, and, contrary to the express command of the committee of estates, he had excommunicated Middleton in 1650, for no other reason than his attachment to Charles. This has been represented as the ground of Middleton's now bringing him to a trial before the parliament. Being a bold spirited man, he was intrepid in his defence. He boasted of his opposition to Cromwell's assuming the protectorship, and vindicated every part of his ministerial and public conduct. His speech, which is printed by Mr. Wodrow, shews him to have been a man of strong parts, and possessed of a natural eloquence, that would have done honour to the best of causes. Having mentioned the principles of his conduct, he finishes in the following manly manner. "If those foundations fall, I must fall with them; but if these sustain and stand in judgment, as I hope they will, I cannot acknowledge myself, neither I hope will his majesty's commissioner, and the honourable court of parliament, judge me guilty of sedition and treason, notwithstanding any thing contained in the indictment."

His resolute
behaviour.

His defence was so strong, that nothing but the notorious criminality of his conduct could

rise to hand his majesty a chair, "Sit still, sit still, good wife, (said he) the king is a young man, and can hand a chair to himself."

have

A. D. 1661.

have condemned him; for a second speech he made affected many of the members (some of them no way favourable to his cause) so much, that they left the house, declaring to one another they would have nothing to do with the blood of that righteous man. Some of those who remained were for not condemning him capitally; but the majority being of a different opinion, he received sentence of death, which, candidly speaking, he well deserved. His trial, so far as can be judged from the complete process of it, which has been printed, appears to have been very fair, and carried on with great attention and patience both by the lawyers and the judges. The latter moments of this very extraordinary man were agreeable to the whole tenor of his life. There is reason to believe that he had very high offers, even that of a bishopric made him, if he would have recanted. When it was told Charles by one of the members, that Gillespie, who was Guthrie's fellow-labourer, had so many friends in the parliament that his life could not be taken, "Well, (said his majesty) if I had known you would have spared Mr. Gillespie, I would have spared Mr. Guthrie." He seems, in short, to have proposed John Knox as the model of his conduct; and though their fates were different, they were equally undaunted in maintaining their principles against the face of civil power.

A. D. 1661.
Farther per-
secution of
the remon-
strators.

Many other of the remonstrators were tried ; but none of them suffered capitally. Their chief defence lay in the persecutions they had met with from the usurpers ; but this was no justification of their defiance thrown out not only against Charles, but against all civil authority. Gillespie had been, if possible, more culpable than Guthrie. He was principal of the college of Glasgow, and had been a favourite of Cromwell, with whom he kept a constant correspondence. Being brought to his trial, he even owned that he had received money from that usurper ; but he said he had applied it to the use of his college, and ludicrously added, that draining the coffers of the usurper could have been of no disservice to the king. Having acknowledged his guilt, and thrown himself upon the royal mercy, his life was spared, and he was confined to Ormiston, and a district six miles round it. Some other leading remonstrators were banished ; but upon the whole, the proceedings of this parliament were less sanguinary and more moderate than could have been expected from the heads of a party just recovered from every species of persecution, and therefore under the strongest powers of resentment and revenge.

Proceedings
of the
Scotch par-
liament.

The parliament sat till the twelfth of July, when their acts, which were numerous, were published at the cross of Edinburgh. It is but doing justice to Charles and his ministers to say,
that

that they applied themselves with great assiduity, and with no little impartiality, to restore the forms of the constitution, which had been so long abrogated. Even the earl of Castles was named to be an extraordinary lord of session; but he was found to be disqualified, by refusing the oath of supremacy. The boards of privy-council and exchequer were settled. Charles, by advice of the earl of Clarendon, to the Scotch counsellors added six English (two Scotch lords being called to the English council). The English were the chancellor, earl of Clarendon, the duke of Albemarle, (late general Monk) the marquis of Ormond, the earl of Manchester, and the principal secretary of state for England. The earl of Lauderdale strongly opposed the admission of the English counsellors; nor can I see of what service they could be, but when the Scotch privy-council sat at Whitehall; and indeed they were laid aside upon Clarendon's downfall.

When we consider Scotland as being at this time divested of all internal jurisdiction, but what proceeded from the king and his ministers, and her chains rivetted by her own parliament, which had repealed all the acts since the year 1635, that could give safety or security to the subject; when we consider at the same time that there was scarcely a gentleman of property in Scotland, not even excepting the lord-commissioner, who, when those acts

were

A. D. 1661.

1662.
State of
Scotland

A. D. 1662. were repealed, was not a rebel in the eye of the law, the conduct of Charles in the government of that kingdom will not be found to deserve the harsh treatment it has met with from party prepossessions. Middleton was a brave officer, and thought to be an honest man. He was appointed by Charles to the high post of commissioner, because he was looked upon to be violent in his principles and proceedings, and to be void of those little delicacies that might have stood in the way of a rapid and total submission of all parties to the royal pleasure ; and, after answering that end, he was laid aside. It would be scarcely credible, that the temper and genius of a nation should be so entirely changed as the Scots were in ten years time, did we not reflect, that the people looked back with horror upon the foreign subjection and domestic tyranny they had so lately endured : the former from the English, the latter from their own preachers. The differences between the resolutioners and the remonstrators facilitated the introduction not only of prelacy, but an arbitrary power ; and two parties were formed in the cabinet, the one headed by Middleton, the other by Lauderdale, which suspended for some time the miserable effects of the latter. Lauderdale, though one of the worst and most unprincipled men of the age, would have willingly preserved presbyterianism in Scotland, because it
would

would have given him a great sway among all the subjects of that persuasion. Middleton, who knew himself to be hated by Lauderdale, was a furious friend to episcopacy, that he might strengthen his own authority by that of the bishops; and went into the hierarchical notions of Hyde, and the English prelates. The third party, which was headed by Glencairn, and was composed of the best and most moderate men of property, thought that prelacy was absolutely necessary for preventing the return of the disorders which the nation had lately suffered from the covenanters; but they were for a moderate episcopacy, such as had taken place during part of the reign of James the first; and secretly imagined that they had numbers and interest sufficient to bring about such an establishment. I never have seen any plan of this kind; nor do I know if any such was ever reduced into writing; but that they had such views, is incontestible from the following well attested incident. When Lauderdale saw that the prelatical part of the English council were resolved upon the restoration of bishops in Scotland, he fell in with their views as warmly as Middleton himself had done. This astonished Glencairn, who knew Lauderdale to be a violent presbyterian by profession. He asked Glencairn, whether he himself was not for bishops? "Yes, my lord, (replied the other) but you mistake my conduct in

A. D. 1662.

with regard
to episco-
pacy

A. D. 1662. in that affair. I am not for lordly prelates, such as were in Scotland before the Reformation, but for a limited, sober, moderate, episcopacy." "My lord, (replied the other, with an oath) since you are for bishops, and must have them, bishops you shall have, and higher than ever they were in Scotland, and that you will find." The duke of Hamilton and the earl of Crawford endeavoured still to make some opposition in council; but the administration by one bold stroke put an end to all farther hesitation on that head.

Arbitrary
imprison-
ment of the
earl of
Tweedale.

The earl of Tweedale during Guthrie's trial had shewn some dislike at the proceedings; and it was represented at court, that he had even spoke in the criminal's favour. It was therefore resolved, though he was one of the best and worthiest of all the nobility, to make him an example to others. Though Lauderdale and he had been intimately connected, yet the former sent down a letter to the council in the king's name, requiring them, upon a mere verbal information, to imprison him in the castle, for having uttered some speeches which tended much to the prejudice of the king's authority. He was accordingly imprisoned; and with some difficulty he obtained the favour of being removed from the castle to a confinement upon his own estate, on his giving a hundred thousand marks bail to return to the castle when called for. Being examined by a
committee

committee of the council, the earl gave a fair and candid account of all his behaviour on the trial, which amounted to no more than that he thought the judges ought to make some allowances for the epidemical madness of the time, and some other circumstances, which inclined him to some other punishment less than death. His confinement lasted from the thirteenth of September to the beginning of May following, and seems to have had the desired effect; for though he was naturally a cautious timid man, yet none of the other nobility (so far as I can perceive) ventured to go even the length that he did.

It would be to little purpose should I particularize all the acts of cruelty and oppression that passed in this parliament. The commissioner's private estate was but small; and he thought it would be no discredit to his dignity should he enlarge it at the expence of the presbyterians. A resolution was therefore formed for arbitrarily amercing their leaders; and about nine hundred noblemen and gentlemen of all ranks were fined for no other reason, that I can see, but because they were presbyterians, and had submitted, as the whole nation had done, to the English under Cromwell and Monk. The whole of their amercements amounted to the sum of one million seventeen thousand three hundred and fifty-three pounds six shillings and eight-pence, Scots. The de-

Fines imposed upon the presbyterians.

A.D. 1662. molition of the English citadels built by Cromwell give some handle to represent the administration as being mild; but, in fact, Middleton, bold as he was, had not yet ventured upon the full restoration of episcopacy, though it had been fully resolved upon in council; and Lauderdale suffered Middleton to proceed in the rigid manner he did, because he knew it would be his ruin. Besides the earl of Middleton, many of the royalists, or cavaliers, who had stuck by himself, Montrose, and Glencairn, were broken in their fortunes, and expected to be indemnified out of the estates of the covenanters.

Proceed-
ings of par-
liament
continued.

The whole power of church affairs being by the sixteenth act of this parliament put into the king's hands, other acts were multiplied for mortifying the presbyterians; and at last, the lord-chancellor presented a letter to the council for the restoration of the prelacy in its highest form. I know of no opposition that this act met with, either in the council or parliament; and the tenor of it was proclaimed next day with great solemnity at Edinburgh. Some presbyteries hesitated at obeying the proclamation; but they were soon silenced by the imprisonment of their leaders, and their being threatened with the pains of rebellion. Other letters came from court, enjoining the observation of anniversary holidays, the twenty-ninth of May, which was the restoration of Charles,

Charles, and the first of August for Gowry's A.D. 1662. conspiracy. The covenant was declared to be treasonable. All the limbs of the marquis of Montrose that could be recovered were carefully collected, and buried with royal honours in the high church of Edinburgh. To give the greater splendor to the administration, Sir Andrew Durham had a gold crown put upon his head in full parliament, creating him Lyon king at arms; and he was solemnly harangued by the chancellor and the lord-register. In short, nothing was omitted that could strike terror into the presbyterians. The elections of magistrates into all the boroughs of the kingdom were directed by the court; and the members of the council took upon themselves at once to question and confirm that of Edinburgh. All ecclesiastical meetings in synods, presbyteries, and sessions, were now entirely abolished; and several of them punished for not giving a ready obedience to the royal mandate. Thus there was, in a manner, a total cessation of church government, till episcopacy could be restored in the nation.

Though Charles himself had no great predilection for the person of Sharp, yet Clarendon, and the other friends of the English hierarchy, thought him by far the most proper person for filling the metropolitical see of St. Andrew's. Many writers, as well as bishop Burnet, have been severe, almost to barbarity, upon his memory.

A.D. 1662.

Sharp's
conduct ex-
amined.

mory. I have, from unquestionable authorities, represented the progression of that atrocious treachery of which he had been accused; and I am far from saying, that he exhibited any specimen either of his delicacy or magnanimity, by accepting of an honour so incompatible with the trust reposed in him by his brethren. We have the narrative of his behaviour and negotiation in the words of his capital enemy, Mr. Robert Douglas, as they are printed by Mr. Wodrow. Neither of those authors, however, have been able to fix upon Sharp any other charge than barely that of accepting the archbishopric. When we compare Sharp's own account with those of Wodrow, he seems, while he was charged with his commission from his brethren, to have acted not only honestly but zealously in his trust, even after he scarcely could have a reasonable prospect of success; and I cannot see how the transition from presbytery to episcopacy can merit the abuse that has been poured forth against Sharp's morals, especially by bishop Burnet. The growing differences between the earls of Middleton and Lauderdale, made it necessary for the former to send up the earls of Glencairn and Rothes to vindicate his conduct at court, and they were attended by Sharp. The presbyterian party was certainly very low at this time in Scotland; and I am inclined to think, that Sharp was consulted about the persons

sons who were to be made bishops. Only one (Sideferf) of the old set was now alive; and Sharp had very little regard to any qualifications but those of moderation or opposition to the remonstrators, during the late times.

A.D. 1662.

When we look into the religious compositions of the Scotch clergy of every denomination from the Reformation to the Revolution, it would be difficult to meet in history any set of ecclesiastics of any persuasion so totally void of learning as they were. Their ignorance was compensated by their zeal against popery; their abhorrence of all unconstitutional stretches of the prerogative, and, in general, by their pious exemplary lives; their disinterestedness as to riches, and their laborious exercises of public and private worship. When the resolution was taken at court to restore the temporalities of bishoprics to their future incumbents, the whole did not amount to above six thousand pounds sterling. The archbishopric of St. Andrew's had the best revenue; but the bishoprics of Argyle, Dumblain, and Brechin, did not amount to above one hundred and twenty-five or thirty pounds sterling a year, each. Even this small sum, as it appears in modern times, went far in a country, where the value of money was very high; so that the smallest see was a very desirable object to an incumbent, upon a living of fifty, or at most sixty, pounds sterling, a year. There is no doubt (as I have already

Bishops
consecrated.

A.D. 1662. ready mentioned) that the see of St. Andrew's had, for some time, been marked out for Sharp. One Mr. Fairfoul, whom even Mr. Wodrow admits to have been a man of some learning and neat expression, was named to the archbishopric of Glasgow; Mr. James Hamilton, brother to the lord Belhaven, was designed for Galloway, instead of Sideferf, who was removed to Orkney; and the famous Mr. Robert Leightoun, a man every way unexceptionable, made choice of the small see of Dumblain. While Sharp remained at London, he necessarily consulted with Sheldon, and the English bishops. Sideferf then attended at London, in hopes of being preferred to the primacy; but some irregularities in his conduct being alleged against him, he was obliged to be contented with the see of Orkney, which was one of the best in Scotland. It was necessary that all the new bishops, Sideferf excepted, should be consecrated by English prelates. Sharp, Fairfoul, Hamilton, and Leightoun, were in London for that purpose; but previous to the ceremony, Sheldon insisted upon Sharp and Leightoun being made deacons and presbyters, because they never had received episcopal ordination, to which Sharp, after some opposition, submitted, and the consecrations were then performed with great splendor.

The new bishops were received in Scotland without the least public disturbance happening.

The

The other fees of Scotland were soon filled up; and that kingdom seemed all at once to become episcopal. A troop of life-guard to the king in Scotland, consisting of a hundred and twenty noblemen's and gentlemen's sons, had been formed by Middleton, to be commanded by the earl of Newburgh; and the festivity which at that time prevailed in Scotland, gave offence even to Charles himself, and his dissolute court. Middleton and his favourites were seldom sober; and public business was resolved upon as their different degrees of intemperance gave them leave.

The second session of Middleton's parliament, as it was called, began on the eighth of May; and Lesley lord Newark alone objected to the confirmation of episcopal government of the church. An act was passed for the preservation of his majesty's person, authority, and government, by which all petitioning or remonstrating in public affairs were declared to be capital crimes in the most express terms. This is the most infamous act to be found, perhaps, in the records of any kingdom. A declaration of the same principles, and condemning the solemn league and covenant, was drawn up, and subscribed by all in public offices; and those and other precautions being taken, the act of indemnity, which had been so long expected and talked of, was passed. This was managed in a most profligate manner by Middleton and his friends.

*Proceedings
of parliament.*

A.D. 1662. friends. Besides some exceptions contained in the act of certain obnoxious persons by name, liberty was granted by what was called an imprinted act, secluding twelve persons from places of trust, who were to be named by parliament by ballot. Nothing but the last degree of stupefaction could have devised such an act, which was entirely inconsistent with the despotic powers that had been just vested in the king. It was intended to seclude Lauderdale, the earl of Crawford, Sir Robert Murray, and others; but it terminated in Middleton's own destruction.

Severe fines. I have already mentioned the severe fines to which the presbyterians had been doomed. This proceeding was strongly opposed by Lauderdale; and indeed the whole complexion of Middleton's administration, in several matters, had been violent and iniquitous beyond precedent. The very preamble of the act brands it with injustice; for it is there said, that the fines imposed are to be given for the relief of the king's good subjects, who had suffered in the late troubles. The objections brought by Lauderdale and his friends to this act were such, as obliged Middleton to send up his chief confidant, Sir George Mackenzie of Tarbat, to persuade Charles of its utility; but though the act passed, Middleton reaped no benefit from it; for his administration became now to be generally odious and contemptible.

Upon

Upon the rising of the parliament, the executive power, as usual, came into the hands of the council, the members of which proceeded with a very high hand in settling episcopacy. It is said, that Fairfoul proposed to Middleton to banish all ministers who did not receive collation and admission from the bishops; and that an act of council for that purpose passed at a drunken meeting in Glasgow. After this, the commissioner made a circuit through the west of Scotland; and upon his return, the late Glasgow act was found to be impolitic as well as iniquitous; and some measures were taken by the council to soften it, but without much effect; for the earl of Middleton received intimation from the court, that his commission was drawing to a period: but before I close the history of his administration, I am to give one instance of its horrid rigour. Lord Lorn, son to the late marquis of Argyle, thought himself so ill-treated at court, that he had wrote a pretty free letter to his friend lord Duffus, complaining of the practices of his enemies in obstructing his being restored to his honours and estate. This letter was carried into parliament, where Middleton construed it as amounting to leasing-making, by giving the king false impressions of his subjects. It was voted, that his majesty should be addressed to send Lorn down to Scotland, which he accordingly did; and the very day of his arrival, he

A. D. 1662.
Episcopacy
settled.

Persecution
of Lord
Lorn.

A.D. 1662.

was brought to the bar of the parliament, from whence he was sent prisoner to the castle of Edinburgh, and soon after tried, and condemned to lose his head ; which he undoubtedly would have done, had he not been pardoned by the king.

Manage-
ment of
Middleton,

Great care had been taken by Middleton to conceal the exclusion of Lauderdale, Crawford, and Sir Robert Murray, by the ballot ; but Lauderdale had intelligence of it before the arrival of the duke of Richmond and Tarbat, who were to bring the news, and to deliver a letter in parliament from the bishops, magnifying Middleton, and vindicating his conduct. Charles received them very coldly, and upbraided them for the dissolute behaviour of Middleton and his Scotch administration ; but without checking their arbitrary measures, tho' he ordered Middleton to come up to London and justify his conduct. Burnet's representation of the History of Scotland, at this time, receives great credit from its coinciding in many important particulars with that published by Mr. Wodrow, who, I have reason to think, never saw Burnet's History of his own Times. The latter tells, " That Middleton, to obtain time for the king's resentment to cool, pretended that it would be extremely disadvantageous for his majesty's affairs, if he should leave Scotland before he had carried the late acts into execution." The same author says, " That the act of council which had passed at
Glasgow,

Glasgow, had laid whole counties under an interdict for want of pastors;" and intimates, "That people were, in a manner, pressed into the service of the church for filling up the vacancies." Notwithstanding all the severity of the government, the heads of the presbyterians had many secret meetings, and several bold papers were drawn up against the persecutions which they now suffered; but, so far as I can perceive, with no great effect. Some of them were bold enough to avow their principles in public, and they seem to have fared no worse than others upon whom banishment, confinement to a certain district, or imprisonment, were generally inflicted.

In the beginning of the year 1663, above one fourth of the parish-churches in Scotland were vacant, because the incumbents would not accept of collations in terms of the act. Those vacancies happened chiefly in the west and south; for the northern parts were by no means dissatisfied with prelacy. Some of the outed ministers had courage to preach in the fields, and on the hills; and that practice gave rise to that kind of preaching, which afterwards occasioned so much blood-shed and barbarity. Middleton had, by this time, arrived at court, where his conduct in Scotland was severely examined and censured. Charles rather found fault with the manner, than the matter, of his violence; for he pretended that

1663,
who breaks
with Lan-
derdale,

A. D. 1663. Middleton had, in many of his severest proceedings, acted without, and sometimes against, instructions; and Lauderdale preferred a charge against him, which amounted to high treason. He particularly accused him of having taken money from some of the most obnoxious of the presbyterians, to omit them in the act of fines. Middleton was the less able to support this attack, as the credit of his friend, the earl of Clarendon, now began to totter. He was supported by the duke of Albemarle, who was well acquainted with the temper of the Scotch covenanters, and told the king that Middleton had pursued the only course that could befriend him. Sheldon, who was then archbishop of Canterbury, defended Middleton likewise; because the whole of his conduct had been directed to the good of the king's service, and the establishment of episcopacy, however deficient it might have been in point of forms. The bishops of Scotland wrote, at the same time, in an alarming manner to their friends in England, in vindication of Middleton. The result was, that Middleton was found guilty of arbitrary conduct, as high commissioner, and the execution of his act of fines was suspended. Charles, however, declared, that he believed him to be an honest man, and that he would still protect him; but at the same time he dismissed him from his service, and recalled his commission.

Upon

Upon the dismissal of Middleton, who afterwards died governor of Tangier, Lauderdale went to Scotland, where he acted as first minister, and the earl of Rothes was declared lord high commissioner. His system was different from, though perhaps not so defensible as, that of Middleton. He brought down a pardon to lord Lorn; the earl of Tweeddale was made president of the council, and to sweeten the dependence in which he held the commissioner, he gave him several profitable employments. The Balloting Act, as it is called, was repealed, it never having been put in execution; and all Middleton's friends had been dismissed from being lords of the articles. They were replaced by the order of bishops, who were entirely at the devotion of the court; and they chose the nobility who were to be lords of the articles; and those two, as formerly, chose the barons and the burghesses. Thus, one order being at the devotion of the king, he was, in fact, master of all the proceedings and resolutions of parliament, where nothing could be brought in without his permission.

The parliament met on the eighteenth of June, and their second act that passed, was against separation from, and disobedience to, ecclesiastical authority. This act was so severe against nonconformity, that it was called the Bishops Drag-net. It would be to no purpose to specify all the acts that were made for the security

A. D. 1663.
and is dis-
gaced.

Severe per-
secution in
Scotland.

A. D. 1663. security of despotism and prelacy in Scotland. Many of them were superfluous; but the members thought they never could do enough to gratify the court and the new minister. Justices of the peace were impowered to commit conventiclers without juries; and when an offender was tried for the third offence, if he was found guilty, he was to be banished to America. The subscription of the declaration, which was to be taken by all in public offices, was enforced with new penalties, especially against the trading part of the subjects; but it was refused by the earl of Crawford, who thereby lost his treasurership.

Proceedings
in parliament.

One of the most important acts which passed in this parliament, was that declaring the constitution of a national synod. This meeting was to consist of the archbishop and bishops, the deans, and two members from every presbytery, one of whom was to be the moderator appointed by the bishop. All the business laid before this court was to be proposed by the king's commissioner; but the archbishop of St. Andrew's, who was to be president, had a negative upon the resolutions of the majority: but if no such negative was imposed, their act was to have the form of an ecclesiastical law, when confirmed by the king. The reader will easily conclude, that this act took from the clergy all manner of power, even in spiritual matters, and, no doubt, was intended to be an occasional check upon that body. The

The earl of Lauderdale being willing to prove how useful a minister he could be to Charles in Scotland, brought the parliament to vote the raising a body of twenty thousand foot and two thousand horse. This army, which was to be entirely at the king's devotion and under the minister's direction, was not only more than sufficient to enslave Scotland, but to assist in reducing the parliament of England, if it should persist in opposing the king. By this bold measure Lauderdale convinced Charles how much he understood the art of government better than Middleton, and how superior he was to that rival, in the despotism of his principles, since arbitrary laws were of very little effect without an army to enforce them.

A.D. 1662,
Servility of
Lauder-
dale.

During this session Wariston, who, as I have already observed, had been marked out as the victim for the third estate, (the barons and burgesses,) was tried, condemned, and executed at Edinburgh. He had, soon after the Restoration, escaped to Hamburgh, and, after wandering about for some time, he settled at Rouen, where being discovered and seized, Lewis the fourteenth, against the opinion of his ministers, in compliment to Charles, sent him over a prisoner to England. He had, at the time of his trial, outlived all his faculties; but seemed to recover them while he was on the scaffold. About the time of his execution great ferments broke out in the west and other parts of Scotland,

Wariston
executed.

A. D. 1663. Scotland, especially at Dumfries and Kircudbright, but not attended with any blood-shed. The council, to shew their zeal, gave a commission to the earl of Linlithgow and some other noblemen, to march with part of the army to the disaffected places, and to bring the delinquents to justice. This was among the first of the many oppressive commissions of the same king, granted against the presbyterians during this reign; and, though it had little or no effect, it put the government to considerable expence, and proved extremely oppressive to the delinquents, many of whom were sent prisoners to Edinburgh.

Turner's
oppressions.

One Sir James Turner was, at this time, the active officer for the council, and acted in the double capacity of informer and persecutor. He is said to have been a man of learning, and of a fiery disposition; but though his proceedings were harsh and cruel, it was afterwards found that they fell short in severity to his instructions. The council thanked him for his care and pains in seeing the laws about church government receive due obedience; and he was appointed at once judge and executioner of the law. Having received a considerable command, his men lived at free-quarter in Kircudbright, Dumfries, and other disaffected parts of the west; and he was empowered by his commission to receive information, and to impose and levy fines without any process. The violences

lences committed, and the injuries inflicted upon the poor people by those ruffian soldiers, were so barbarous, that even Sir George Mackenzie, the apologist of this and the succeeding reign, pretends to defend them only by saying, that Turner was afterwards laid aside. To palliate those severities, the council passed some acts first against the papists, and then against the quakers, but to very little purpose.

Upon the resignation of the earl of Crawford, who was a steady presbyterian, but a great sufferer in the royal cause, the lord high-commissioner, Rothés, received the treasurer's staff, and the earl of Tweeddale was appointed president of the council in the room of Rothés. The earl of Lauderdale's brother, and the two archbishops, were added to the council; and the lord Lorn, by being restored to the title and estate of his grandfather, became earl of Argyle, to render Lauderdale's administration the more popular.

This year some encroachments having been made upon the privileges of the Scots in France, by being subjected to new imposts, the council of Scotland wrote a smart letter to that king; and the relief it procured them was afterwards made use of as an argument for the toleration of popery in Scotland. Some commotions in Ireland about the same time gave the council a handle for stopping the intercourse between Scotland and that island, the north-

A. D. 1563. ern inhabitants of which were generally of Scotch extraction, and of the presbyterian religion.

1664.
Difference
in the ad-
ministration.

Whatever effect the terrors of a standing army produced in Scotland among the common people, the administration was split into parties. Sharp saw that he had gone too far; and that he might meet with the fate of Laud, if he and his brethren were not strengthened by farther powers. He therefore made use of his credit at court, which was now very great, to obtain from Charles a high commission for ecclesiastical affairs, which, in fact, took them entirely out of the hands of the privy-council, and threw them into those of the bishops. The powers of this court were, in fact, inquisitorial and independent. The members of it were authorized "to take cognizance of, and punish, all offenders, who went about corrupting and disaffecting people from their allegiance, respect, and obedience to the laws, and all who expressed their dissatisfaction to his majesty's authority, by contravening acts of parliament, or council, in relation to church-affairs." The members were the archbishop of St. Andrew's, (who had now obtained precedence of the chancellor) the lord of Montrose, the earls of Argyle, Athol, Eglington, Linlithgow, Hume, Galloway, Annandale, Tweedale, Leven, Murray; the bishops of Edinburgh, Galloway, Dunkeld, Aberdeen, Brechin,

Brechin, Argyle, and the isles; the lords Drumlanerk, Pittligo, Frazer, Cochran, Halkertoun, and Bellenden; the president of the session, the register, the advocate, Sir John Hume, justice-clerk, Mr. Charles Maitland, the laird of Philorth elder, Sir Andrew Ramsay, Sir William Thomson; the provosts of St. Andrew's, Aberdeen, Glasgow, Air, and Dumfries; Sir James Turner, and the dean of gild of Edinburgh. Of these, five was to be a quorum; an archbishop or bishop being one of the number; and all officers in the kingdom, both civil and military, were to obey their orders.

It is not necessary to point out the absurdities and dangers arising from so unlimited a jurisdiction as was vested in this high commission. They had been foreseen by the king's best friends in Scotland; and an open breach had ensued between the chancellor and the archbishop of St. Andrew's. The earl of Lauderdale had given way to the latter, in hopes that Sharp's violence would ruin episcopacy in Scotland; but the chancellor's death left the archbishop without a rival. The latter was afraid that the earl of Tweeddale might obtain the great seal; and (if we are to believe bishop Burnet) he made interest for it to himself by Sheldon and his friends at the court of England. Be that as it will, it was given to the earl of Rothes, who may be said at this time to have been invested with the three greatest

Q 2

places

A.D. 1664. places in Scotland, besides the command of a troop of life-guards. Sharp appeared overjoyed at the advancement of Rothes, with whom he cultivated the most intimate connections; and when he left London, he told Charles, that he could now ask no more for the church.

The western persecutions were still raging with the most unrelenting fury; and the high-commission court vied with the privy-council in proving themselves the abject tools of despotism. Subscriptions to the declaration were enforced afresh. The names of all recusants were sent up to court. It was rendered penal to relieve the deprived presbyterian ministers; and they were, by proclamation, prohibited from living in Edinburgh, or any other burghs in the kingdom. The act of fines were put in execution by the privy-council; but were again suspended for some time by the court, tho' collected next year. Matters were now preparing between the lord-commissioner and the primate for a national synod, which the archbishop had his reasons for not suffering to sit; and he was named by the lord-commissioner to preside in the privy-council: and in his absence, Burnet archbishop of Glasgow, who was at the same time made an extraordinary lord of the session. Matters now were carried on smoothly by the administration: the lord high-commissioner's allowance was twenty pounds sterling a day; but

Wodrow,
vol. i. p.
306.

1665.

but it was to be augmented to fifty on the sitting down of the national synod. He was a man of pleasure, which the vast income of his places enabled him to gratify ; not rigidly addicted to any principle, and under the joint direction of Sharp and Lauderdale. The persecution of the presbyterians was somewhat relaxed this year upon the breaking out of the Dutch war, and the visible reluctance of many noblemen to be instrumental in farther cruelties. Turner, however, continued to be very active in the west, where he obliged all the presbyterians to deliver up their arms, under pretence that they would join the Dutch in case of an invasion. This is represented by Mr. Wodrow as an unparalleled act of severity ; but I think it an inevitable measure, when the provocations the party met with are considered.

On the second of August a convention of the states was held to raise money for his majesty to support him in the Dutch war ; and the archbishop of St. Andrew's presided in it. About a million of marks, Scots *, was voted by way of taxation on this occasion ; and many of the west country gentlemen were confined, by arbitrary orders of the council, upon mere suspicion. After all, it is reasonable to think, that some correspondence was kept up between

A convention of estates.

* A mark Scots is thirteen and $\frac{2}{3}$ English pence.

A.D. 1665. the presbyterians, and their friends who had either been banished, or had retired to Holland, which might have been dangerous to the government. To prevent any consequences of that kind, the commissioner, this year, made a most pompous progress through all the chief towns of the west, attended by the king's guards; and upon his return fresh severities, as appears by the council books, were inflicted upon the dissident presbyterian clergy. The acts against them left it doubtful, whether it was safe for a landlord to admit them as tenants; and the earl of Kelly, who was far from being their friend, told archbishop Burnet, "That the government ought to impose a badge upon them, lest he should ignorantly let any of them a house or tenement, and thereby incur the lash of the law."

A rebellion
breaks out.

The more those persecutions encreased, the dissidents grew the more numerous. Penalties were imposed upon magistrates who spared or overlooked them. It was penal for any one of them to refuse the primate or his brethren their lordly titles, when brought before the high commission; and not only officers, but private soldiers of the army, were impowered to inflict corporal punishments upon all who were found to be present at conventicles. The prisons, at last, were so crowded with dissident prisoners, that the members of the council were obliged to make a kind of a jail-delivery, upon the

the prisoners consenting to be transported by one Hutchinson to Barbadoes. That the penalties of law might not seem to be directed against the presbyterians alone, the council took it upon themselves to commit the care of the education of the marquis of Huntley, who was a papist, to the archbishop of St. Andrew's; but that nobleman, who was afterwards created duke of Gordon, died a Roman catholic.

The little effect that attended the persecution of the presbyterians, impelled Sharp to repair to London, where he accused, though in general terms, Lauderdale's giving them secret encouragement. He was attended by lord Rothes, who did not chuse to stand by Sharp in this accusation. The whole of bishop Burnet's account of this transaction is improbable and inconsistent. Sharp was neither so weak nor so wicked a man as he represents him to have been; for he must have been devoid of common sense as well as virtue, if he had acted in the manner Burnet mentions. Lauderdale probably availed himself of the arrival of bishop Leighton, who was so worthy and so good a man, that he came to London and offered to resign his bishopric, rather than be found to have any hand in the miseries of his country. The wisdom and mildness of that prelate had reconciled the most moderate of the presbyterians to his conduct and principles; and Charles was so much affected by his representations, that

A.D. 1665.

1666.

A. D. 1666.

that he ordered the high commission court to be discontinued; and that the severities of the persecution in Scotland should be relaxed.

While those measures were under deliberation, an alarm came from Holland, that the Dutch were inclined to furnish the Scotch dissenters with money and arms. Charles thought this intelligence was so important, that he ordered more troops to be raised in Scotland; only part of the army that had been voted being levied. Two Scotchmen, who had been in the Muscovite service, and of great reputation, were appointed to command them. The one was Dalziel, and the other Drummond. To support this army, Charles, by the advice of Sharp, ordered the uncollected fines to be appropriated. This was a great disappointment to the old cavaliers whose fortunes had been ruined in the royal service. Turner was then in the west, exercising his cruel severities, and the rigid injunctions daily published for conformity with curates, (for so the episcopal clergy were called) disposed the people in many parts of the kingdom to insurrections. The administration, among their other measures, had confined many of the west-country presbyterian gentlemen and clergy to the northern counties. As they generally were men of unexceptionable lives, and talked in high strains of piety, they made many converts; and the best affected friends of the government advised their being

ing recalled from the places of their exile ! This not being done, accounts for the reason why many inhabitants in Murray, and other counties of the north, all of a sudden became violent presbyterians, and their posterity remain so to this day. A narrative of the sufferings of the church of Scotland since the restoration of the episcopacy being printed, created a new ferment among the people of that persuasion ; and its being ordered by the council to be burnt by the hands of the common hangman, occasioned its being read more than before. The spirit of discontent might still, however, have been prevented, had it not been for the gross immorality, ignorance, and avarice of the new incumbents, who had succeeded the ejected presbyterian clergymen. They generally attended the military in their harshest and most oppressive exploits ; and in the beginning of this year the sum of fifty thousand pounds Scots, was raised upon the poor inhabitants of a few western counties, besides a vast number who were turned out of their dwellings. Some complaints were made of those proceedings, which were equally impolitic as barbarous ; but to no purpose : and many noblemen, otherwise well affected to the government, were silent, in hopes that the persecution was too violent to last ; and that it must, in time, return upon the heads of its authors.

The western
counties of
Scotland
dragooned.

A. D. 1666.

The military, now, were ordered to raise the moiety of the fines which had been imposed by Middleton, but postponed till this year. This was done in so inhuman a manner, that the money fell far short of the expected sum. The excessive mulcts and oppressions the middling and lower ranks of people had already suffered, had brought them to such extreme poverty, that it was common for the troopers when they met a beggar, to ask in a taunting manner, "Whether he had been fined?" They who could not pay were dragged to prison, and jails were soon wanting for confining the delinquents, who must have perished had they not been supported at the public expence. Enough, however, was collected to raise two regiments of foot, and six troops of horse. Dalziel, who was general, had one of the regiments, and the lord Newburgh the other. The troops were given to the duke of Hamilton, the earls of Annandale, Airly, Kincardin, and others. Those, with the guards, and the earl of Linlithgow's regiment, made up three thousand foot and eight troops of horse, who were devoted to the service of the prelates, and quartered in the western counties. Though the fines, as I have already mentioned, were appropriated for their payment, and though the general was to account for the disbursements, yet great part of the money being sunk by frauds of the collectors, a convention of estates was summoned to meet

meet in November, to make good the deficiencies of the army's payment. A. D. 1666.

The protection of so considerable a force, emboldened the government of Scotland, which was now directed by Sharp, to issue new proclamations for conformity; especially one for procuring obedience to ecclesiastical authority. This proclamation inflicted penalties upon masters who kept nonconforming servants; and upon magistrates who suffered nonconformists to live in their burghs; and upon heritors, whose tenants did not give bond for conformity; but with this addition, that the effects of such tenants as refused were given to their heritors or landlords. It was in vain for the common people, during their misery, to cast their eyes towards their superiors, who either durst not or would not interpose in their favour; and it embittered their distresses when they saw the duke of Hamilton and other noblemen, who had always professed themselves their friends, officers in the army that oppressed them.

Miseries of the common people,

It is no wonder if, under such a load of calamities, the people of the west grew desperate; in which case we are to account for no other motive of the insurrection that followed. It began on the fourteenth of November, at a village called Dalry, in Galloway, where a few peasants disarmed and made prisoners some soldiers, as they were dragging to prison and cru-

who break out into an insurrection,

A.D. 1666. elly beating an aged countryman, who was unable to pay his church-fines. The peasants, who knew they were to expect no mercy, were joined by others, who surprised and disarmed other small parties of soldiers; and, at last, they became numerous enough to make Sir James Turner himself a prisoner at Dunfries, and to disarm his soldiers. They were now joined by some country gentlemen, and their behaviour was far more moderate and peaceable, than could have been expected from their provocations. Lord Rothes was then at court*, and had represented Scotland as being in a perfect state of tranquillity, when Charles shewed him an express which had arrived from the governor of Carlisle, mentioning the particulars of the insurrection. Rothes seemed to give no credit to the intelligence, or, at least, made slight of the affair, when another express arrived from the council of Scotland, confirming it; and Sharp, making dreadful representations of the dangers with which he and the council were environed, desired that orders might be sent to the troops in the north of England, to march to their protection.

In the mean while, the council met at Edinburgh, and nothing was omitted for suppressing the rebellion, which was represented as being far more dangerous than it really was. Ge-

* Mr. Wodrow says he went up to receive instructions concerning the convention of estates that had been summoned to meet.

neral Dalziel was ordered to rendezvous the royal troops at Glasgow, and from thence to march towards the rebels wherever they were. Orders were issued for the chief nobility, all over the kingdom, to put themselves in arms for the preservation of the public peace; and Dalziel was furnished with a proclamation against the insurgents. It is remarkable, that in this proclamation no indemnity was offered to those who were in arms; but it said, "that if they do not lay them down in twenty-four hours, they shall be proceeded against as incorrigible and desperate rebels, and incapable of mercy or pardon." As to the rebellion itself, as it was called, at first it scarcely deserved the name of an insurrection. The chief agents in assembling the people were, according to bishop Burnet, four fiery ministers, Semple, Maxwell, Welsh, and Guthrie. It was fortunate for the chief men of property among the presbyterians, that they were then under confinement, either upon suspicion, or for former delinquencies; so that they had no concern with the insurgents. Lieutenant-colonel Wallace, and one major Learmonth, were their chief officers; but they expected to be headed by major-general Montgomery of the house of Eglinton. In this they were disappointed, which struck a great damp upon their cause. At Air, which was the place of their rendezvous, their numbers amounted to two thousand, notwithstanding the dreadful disap-

A. D. 1666.

Dated at
Edinburgh,
Nov. 21.

but it is
quelled by
the govern-
ment at
Pentland
hills.

A. D. 1666. disappointments they met with; and at Ochiltree they formed themselves into the appearance of an army, of which Wallace was chosen commander in chief. Some of the more moderate among them, perceiving there was no concert in their proceedings; that their most sanguine friends fell far short in the complements of men they had promised to raise; and that, in fact, their army was no better than a rope of sand, proposed that it might be dismissed. If we make allowances for their enthusiastic effusions, the resolution of the officers to stand by each other, was as prudent as brave; because the dissolution of their army gave them no possibility of safety. Sir James Turner was still in their power, and many of the chief rebels were for putting him to death; but he was spared, when they saw, by his instructions, that he had not acted up to their rigour.

General Dalziel remained still at Glasgow, and seemed to be perfectly easy about the progress of the insurgents; whose numbers in a short time, would, he thought, dwindle. He was not mistaken; for though when they advanced to Lanerk in their way to Edinburgh, they were three thousand strong, yet they diminished every day after. Dalziel followed them slowly; they, however, avoided an engagement, having placed great hopes in the citizens of Edinburgh, and the inhabitants of the neighbouring counties. But though they marched to

to Corstorphin, within two miles of the capital, they found no encouragement, and had intelligence that the city was fortified, and both that and the castle well prepared to receive them. Above one half of their numbers had now left them; and Mr. John Guthrie, one of the most animated leaders they had, was taken so ill, that he was obliged to leave the field. All hopes of success being now over, the duke of Hamilton, and some gentlemen of rank, offered to procure their pardon, if they would lay down their arms. Some negotiations of that kind were held; and it appears from the papers published by Mr. Wodrow, that Wallace did send proposals to the council, where Sharp continued to preside; but that they were rejected, as the king's proclamation contained no promise of pardon.

All hopes of obtaining terms being now at an end, they resolved to march to Biggar by the Pentland hills; but, on a muster, they found their numbers did not amount to above nine hundred, and those weak and dispirited thro' fatigue and disappointment. Dalziel was then close on their rear, and an engagement was unavoidable. The rebels behaved with great courage, and in several attacks repulsed the king's troops; but the dispute at last was finished by Dalziel's superiority in cavalry, and the rebels were totally defeated. Not above fifty were killed in the engagement; but some hundreds

A.D. 1666. hundreds were taken prisoners. Wallace, who, through the whole conduct of this ill-concerted expedition, appears to have acted with no contemptible military abilities, escaped to Holland; and the whole army of the rebels must have been killed or made prisoners, had it not been for the darkness of the night, the engagement having happened on the twenty-eighth of November.

Severe prosecutions and proceedings against the rebels.

Two days after the defeat of the rebels at Pentland-hills, the council ordered all their estates to be sequestrated into the hands of the lord-treasurer; and no man can form an idea of greater severities than those that were denounced by the council, against all who were either directly or indirectly concerned in the late insurrection. It extended even to the presbyterians in general, and all who were suspected of being their friends. The country-people, according to Mr. Wodrow, (but with what consistency I cannot see) murdered the fugitives when they fell into their hands; and the prisoners were crowded together in a narrow jail, where they had neither light nor air. Their punishment came under the cognizance of the council; and the common question was agitated, whether by their receiving quarter in the field, it was not understood that their lives were to be spared? It passed in the negative, to the great displeasure of the general. The famous Sir George Mackenzie, who, though a poor

poor writer, was an excellent lawyer, was appointed one of their council, with Sir George Lockhart, one of the ablest lawyers Scotland ever produced; and the reader in the notes will find Mackenzie's opinion * upon the ques-

* " The most considerable military questions, saith he, which I remember in all the adjournal books, are, first, that which was debated December fifth, 1666, the case whereof was: Some west-countrymen had formed themselves in an army, and were declared traitors by the council; and being thereafter beat at Pentland-hills, captain Arnot, major M'Culloch, and others, were taken by some of his majesty's inferior officers upon quarter. But being pannelled before the justices as traitors, it was alledged for them, That it could not be put to the knowledge of an inquest before the justices, because they having been modelled in an army, and taken in the field fighting as soldiers, they behoved to be judged by the military law, and by that law such as get quarter in the field, are by that quarter secured therein for their lives, and cannot be hereafter quarrelled. To which it was replied, That there can be no quarter but where there is a "bellum justum;" and it is not the number nor form of an army, but the cause that makes "bellum justum;" and public insurrections of subjects against their prince are rather sedition than "bellum justum;" and these insurrections being treason, none can remit treason but the king, and therefore quarter could not be equivalent to a remission; but all the effect of quarter in this case is, to secure these who get the same from present death. To which it was replied, That all who get quarter from any who are authorized to be soldiers, are by that quarter secured against that authority from whom these soldiers derive their power; and these who get the quarter, are not to dispute whether these soldiers had a sufficient power to give quarter, or whether "bellum" be "justum" or "injustum;" for that were in effect to destroy quarter in all cases, and to make all such as take up arms to be desperate and irconcilable; and the power of giving quarter is naturally inherent in all soldiers as such. And as the council, without express remission from the king, upon submission, might have secured their lives, so might soldiers by quarter; for they have as much power in the field, as the others at the council-table. Secondly, Lawyers are very clear that quarters should be kept, though given to subjects who are rebels. Grotius, lib. iii. cap. 19, where, after

A. D. 1666. tion, which is too interesting to be omitted here. Ten of the most considerable of the prisoners were tried, and hanged with circumstances of severity, if not injustice. Some of the prisoners suffered the inhuman torture called the boots, which was inflicted by the leg being put into a case, into which wedges were gradually driven by iron hammers; and if the accused did not answer to the interrogatories as his tormentors pleased, the bone of the leg was shattered to pieces, and the substance of it converted into a jelly. Nothing could be drawn from the sufferers, but that oppression and injustice had impelled them to take arms. Commissions were issued through all parts of the west for trying the prisoners; and executions became so frequent, that the hangmen themselves relented, and refused to perform their office; and one of them even presented a long and serious remonstrance in his own vindication. It would be excessively disagreeable, as well as uninstrutive to the reader, to mention the particulars of the trials and executions of all who suffered. Had the rebellion

Wodrow's
Appendix,
p. 101.

he hath fully treated that question "*de fide servanda*," concludes, That "*fides, data etiam perfidis & rebellibus subditis, est servanda.*" And this hath been observed in the civil wars in Holland and France; and by his majesty and his father at home during the late troubles. Thirdly, Quarter is advantageous to the king, and so should be kept; for these who are taken might have killed his majesty's general and officers, and by giving quarter to his enemies, he redeemed his servants: and if the only effect of quarter were to be reserved to a public trial, none would accept quarter."

been

been unprovoked, it must have been inexcusable; but the insurgents were far from being of sanguinary dispositions, as appeared from the gentle treatment they gave to Sir James Turner, one of their capital enemies. The circumstances of the executions were atrocious; and though I cannot ascertain the precise number, yet they were so frequent, as to produce from court an order, under the hand of Charles himself, that no more blood should be spilt. A. D. 1666.

The odium of all the severities which the rebels suffered fell upon archbishop Sharp, who is severely censured by Burnet and other writers on that account. He was well seconded by the archbishop of Glasgow, who proposed the most brutal measures, even that of hanging all who did not instantly renounce the covenant, and swear to conform themselves to the laws in time to come. Some of the wisest of the episcopal clergy, and particularly Wishart, bishop of Edinburgh, author of Montrose's history, endeavoured to mollify the barbarous proceedings against the covenanters, and to shew how consistent with true policy it would be, to regain the affections of the people, by generously suing for an act of indemnity*. 1667.

Sharp and archbishop Burnet pretended they knew the temper of the party too well to trust them; and in this they were inexcusable, espe-

* By the best computation I can make, above forty of the rebels were executed or put to death after their defeat at Pentland.

A. D. 1667. cially if the assertion of archbishop Burnet's namesake is true, that he suffered the executions to continue, even when he had a letter in his pocket from the king, ordering that they should be stopt. Many, if not all of the unhappy sufferers, it is true, might have saved their lives, if they would have renounced the covenant. Their obstinacy proceeded from conscience or weakness, perhaps both ; and in either case they were objects of compassion.

Forfeitures
and criminal
processes.

Some gentlemen of fortune and family either had joined or abetted the late insurrection. The earl of Athol, justice-general, Sir John Hume, justice-clerk, with the earls of Linlithgow and Dumfries, had a commission to try them ; and fifty of them were criminally pursued by Sir John Nisbet the king's advocate, or attorney-general. Their case was very particular. None of them was in custody ; and though their estates might have been forfeited for not appearing to take their trials, yet it was doubtful whether their lives could be touched, or whether a jury could pass upon them during their absence. It was necessary for the acting powers to make use of the army ; and Dalziel, Drummond, Turner, and other officers, whose enormities disgraced humanity, had been promised large portions of the forfeitures. The advocate therefore drew up a case in law, to the following import : " Whether or not a person guilty of high treason may be pursued
before

before the justices, albeit they be absent and contumacious; so that the justices upon citation, and sufficient probation and evidence, may pronounce sentence * and doom of forfeiture, if the dittay be proven." The affirmative of this quere was strongly urged by the advocate; and, after some consideration, agreed to by the lords of council and session. The administration proceeded now without any scruple; and the commissioners condemned to death and forfeiture all whom the administration had marked out for victims.

This encouragement rendered the general and the other officers of the army more brutal, if possible, than ever. Their troops were quartered through the most disaffected counties in the west; and it was no unusual spectacle for a man to be hanged, or shot to death, on the public road, upon mere suspicion. Some of the nobility had still so much courage and virtue remaining, as to represent to the king the danger of their country being depopulated, and converted into a desert. The earls of Tweeddale and Kilcardin, and Sir Robert Murray, the famous founder of the Royal Society, had the chief merit in those representations; and Charles was struck with what they said. A convention was summoned, in which duke Hamilton, instead of Sharp, was ordered to preside; and Charles signified his disapprobation of Sharp's

Barbarous
executions
in the west.

* Meaning sentence of death.

A. D. 1667. ers, had they attempted to land: but the admiral had no such intention; for, after alarming the coast, he left the Frith and joined De Ruyter; and they sailed to Chatham in conjunction, where they executed that important blow upon the English navy, which still stains the annals of that country, by its being unrevengeed.

The ministry changed, and moderate measures pursued.

Upon the conclusion of the peace at Breda, Charles found both his finances and his credit so very low, that he adopted other measures in England as well as in Scotland. He continued still to give the episcopal party assurances of his protection. They complained that many of their clergy's houses were plundered, which was partly true; because the country-people were reduced to such misery, that in some places they robbed for subsistence; but those violences were highly disapproved of by the bulk of the party. The bishops magnified those riots into a settled plan for a new rebellion: but the council, on the eleventh of July, received a report from their committee, concerning the prisoners who had been taken at Pentland, and were still alive. Their opinion was, that those who were actually engaged in the rebellion, and who still refused to take the oath of allegiance and declaration, should be banished to Barbadoes; that others should be pardoned; some continued in prison; and that all who should take the oath of allegiance and
the

the declaration, should be set at liberty. In short, Charles ordered the common people, whether in prison or not, to be pardoned ; but, for obvious reasons, continued the law proceedings against the offenders who had landed estates. Notwithstanding all the intrigues and opposition made by the episcopists, the king's letter peremptorily disbanding the army, arrived at Edinburgh on the thirteenth of August, no regular troops being reserved, excepting Linlithgow's regiment of foot, and the two troops of guards. The earl of Rothes had for some time been removed from being his majesty's high-commissioner. The treasury, in which he had presided, was put into commission, and he remained chancellor. The earl of Tweeddale and Sir Robert Murray were entrusted with the chief management of affairs ; and the government all of a sudden assumed a mild complexion. Even Sharp seemed to be satisfied with the changes that had been made : but archbishop Burnet complained of them so openly, that he fell into disgrace with Charles, who at the same time readmitted Sharp into some degree of his favour.

Charles had acted with great caution in the late removes ; and he put his council in Scotland under no restraint in the next great question they were to settle, which was, how the peace of Scotland was to be preserved, now that the army was to be disbanded ? Both parties must

A bond of peace proposed and carried.

A.D. 1667. tered their forces upon this important point. Tweeddale, Kincardin, Cochran, and Sir Robert Murray, who were commissioners of the treasury, proposed a bond of peace, which was to be tendered to all who were suspected, and was no more than giving security for the peace; and where the party could not find security, their personal bonds and oaths were to be taken. This mild and wise measure was violently opposed by the prelates and their party, who insisted upon pressing the declaration, which had been recommended by the king, and, by which, the covenant and all conventicles were abjured. The question being put, Sir Peter Wedderburn, clerk of the council, in collecting the votes, said, they went in favour of the declaration. He was contradicted by Sir Robert Murray; and the voices being again collected, the clerk declared as before; but Sir Robert, notwithstanding the frowns of the chancellor and his party, insisted upon a third trial, by which it appeared, that the majority was for the bond of peace. This was considered as a victory over the episcopists; and the resolutions of the meeting were sent up to Charles, proposing, at the same time, that a national militia should be settled "in that way, as his majesty shall be pleased to appoint." Charles approved of all those moderate measures; and on the first of October ordered a proclamation of pardon and indemnity to be published

Wodrow,
vol. i. p.
276.

Ibid.

published in Scotland, by which a stop was put to all the former severe proceedings against the covenanters. The indemnity contained, however, about sixty excepted persons, most of them men of property, and whose estates, I suppose, had been promised away. The reader in the note * will find a copy of the bond of peace, which, though plain and simple, is considered as oppressive by Mr. Wodrow, and was refused by many enthusiasts for the covenant. It gave, however, a general satisfaction; and all the gentlemen who were in prison upon suspicion were delivered, particularly major-general Montgomery, who had been for two years and four months a prisoner in the castle of Stirling.

A. D. 1667.

Ibid, p. 279.

Among the first cares of the new administration, was that of enforcing the laws against the papists, by a letter sent from the council to the two archbishops. This was considered as a reproof for their late severities against the presbyterians. The privy-counsellors next thought that they could not enter upon a more justifiable and popular measure than to enquire into the conduct of the officers of the

1668.
Trials of
Turner and
Bannan-
tyne.

* "I A. B. do bind and oblige me to keep the public peace; and if I fail, that I shall pay an year's rent. Likewise, that my tenants and men-servants shall keep the public peace; and in case they fail, I oblige myself to pay for every tenant his year's rent, and for every servant his year's fee. And for the more security, I am content thir presents be registrate in the books of council."

A. D. 1668. army, during the late administration. The two most obnoxious were Sir James Turner and Sir William Bannantyne; for they did not think proper to attack Dalziel, or those of a higher order. This affair had been canvassed in the royal cabinet; and Charles seemed to be struck with horror, when it was represented, that his general Dalziel and his commissioner Rothés were seldom free from the fumes of liquor, while they were in power. Turner was found guilty of the most incredible enormities, and arbitrary acts of cruelty, as well as rapaciousness; but he defended himself under the orders he had received from the bishops. Bannantyne was imprisoned during his trial likewise, and the commissions of both were revoked; but they escaped with very little other censure.

Refractory
conduct of
the presby-
terians.

The serenity which began now to diffuse itself over Scotland was somewhat clouded by the covenanters, who had taken refuge in Holland, and who did all they could to dissuade their brethren from subscribing to the bond of peace. This revived some severe measures against the non-conformists, and those who repaired to conventicles. The earl of Linlithgow, who was then the acting general in Scotland, was ordered to suppress them; and as all the executive power in Scotland continued to be exercised by mandates from the court, the offenders were punished and proceeded against with

with as great rigour, as if no indemnity had been issued. Bishop Burnet observes, that the earl of Lauderdale at this time had fallen in love with a rapacious, insolent, ambitious, woman, the countess of Dyfart, whom he afterwards married, and who totally changed his temper. The earl of Tweeddale and his friends were greatly concerned at the intractable spirit of the covenanters. They sent for some of their heads; and offered, that if they would conform themselves to the government, they would endeavour to procure a mitigation in their favour of some of the severest laws against them. A like design was on foot for a comprehension in England; and Tweeddale had his eye upon Leighton, as the ablest and honestest clergyman in Scotland; to carry it into execution there. This scheme of comprehension created great debates, and is differently represented; but as it never was completed, I shall omit the particulars, which belong to the history of England, rather than that of Scotland. Mr. Wodrow thinks that the negotiation was interrupted by the following incident;

One Mitchel, a young enthusiastic preacher, discharged a pistol into archbishop Sharp's coach; and though the ball was aimed at him, it wounded Honeyman bishop of the Orkneys, who was along with Sharp, in the wrist. Tho' Mitchel committed this assassination in broad day-light, in the month of July, and upon the high-

A.D. 1662.

An attempt
to murder
Sharp.

A.D. 1668. high-street of Edinburgh, yet he walked composedly off to his lodgings, where he shifted his cloaths, and returned publicly to the street. Mr. Wodrow says, that one man alone attempted to stop him; but he desisted, upon Mitchel's presenting to him another pistol. It is certain, that, notwithstanding all the pains the government employed to discover him, he escaped for that time. As Honeyman was among the most learned of the Scotch bishops; and had lately distinguished himself by a publication in favour of episcopacy, though he had formerly been a violent covenanter, enthusiasts looked upon his wound as a just punishment for his apostacy; but the public made no doubt that the ball was aimed at Sharp. The outcry against the covenanters was again renewed; and the advocate Sir John Nisbet behaved like a fury against innocent persons, in his endeavours to discover the assassin.

The militia
raised and
modelled in
Scotland.

Lauderdale, who had now quarrelled with Sir Robert Murray and his best friends, at the instigation of his wife, and who had, as we have seen, adopted new measures, persuaded Charles to take Sharp again into favour, and to send him some mark of his affection, upon the danger he had escaped. He made use of Mitchel's attempt, and the aversion of the covenanters to subscribe the bond of peace, as pretexts for pressing the new modelling of the militia, and for rendering it to all intents and purposes

purposes a standing army. I apprehend from Mr. Wodrow himself, that the imprudence of the enthusiast covenanters, about this time, gave Lauderdale too plausible a colour for this measure. It is certain that Sharp had fallen in with Tweedale and Leighton's moderate plan; and was willing to have agreed to an indulgence to the presbyterians, and even to have restored some of them to their benefices, upon gentle terms. But a young set of enthusiasts was now started up, who were encouraged by their friends in Holland, and were entirely untractable. In August, the militia was raised, consisting of twenty-two thousand horse and foot, to be maintained by a tax upon land, so unequally assessed, that it fell heavy upon poor heritors. The court and the bishops, who seemed to be more than ever favoured by Charles, had now no occasion to observe even the forms of the constitution. The people in the west had no settled ministers, and flocked to conventicles and field-preachings. The prelates once more took the lead at the council-board; and the magistrates of Edinburgh were fined fifty pounds sterling, because a conventicle had been held in that city. The army was now cantoned not only in the western counties, where few or none of the foot had been raised, but in the counties of Murray and Inverness, where, as I have already hinted, presbytery had made a considerable progress.

A. D. 1662,

1669.

The

A.D. 1669. The privy-council sat night and day to draw up orders, and issue mandates for the suppression of conventicles, and for punishing non-conformists. This was carried so far, that it occasioned great differences between the prelates and even some of the crown-lawyers. At last, it was plainly discernible, that Lauderdale intended to make Scotland instrumental in establishing Charles's favourite plan of despotism in England. The finance department was frugally and regularly administered. It was found that a saving of ten thousand pounds sterling a year might be made. Arms were bought up, magazines erected, and many projects were formed for promoting trade and manufactures in Scotland; but I know of none that was executed.

The presbyterians indulged.

Sir John Nisbet, though the king's advocate, and an enemy to conventicles, represented at the council-board, that measures were daily taking for forming the militia into a regular standing army, by regimenting and disciplining the men, and keeping them always embodied; measures that were absolutely incompatible with the constitution of Scotland. The earl of Tweeddale, though closely united with Lauderdale, disliked the principles of his administration, and proposed an incorporate union between Scotland and England. This project came to nothing; but it was not discouraged by Lauderdale, because he wanted a Scotch parliament

parliament to be assembled, in which he himself might preside. Tweeddale had, however, so much influence, that he brought down the king's letter to the council for indulging the outed clergy to return, and preach in their former parish-churches, if vacant. Four hundred marks, Scots, yearly, was allowed to those who lived peaceably and orderly, or who gave assurance to live so for the future.

The reader may observe, that the civil administration of Scotland was so thoroughly devoted to the king, that no events happened in her history but those occasioned by religion; for in all other respects the government was united. When the letter of indulgence arrived in Scotland, it alarmed the prelates; but upon examination it was found to be against law; "for (says bishop Burnet) by the act restoring episcopacy, none were capable of benefices but such as should own the authority of bishops, and be instituted by them." But the violence of the covenanters themselves defeated all the good intentions of this indulgence, though it was, in other respects, a crude measure. In general, they were glad of an opportunity to recover their livings; but such a schism was formed by their brethren in Holland, as broke them among themselves. The clergy in archbishop Burnet's diocese met with daily insults, and complained that they were in danger of their lives, having no pro-

A. D. 1669.

Hist. of his
own Times.

A.D. 1669. tecton from the government, on account of the indulgence. Mr. Wodrow says, that the bulk of the presbyterians adhered to their indulged ministers.

A parliament, and its proceedings.

A parliament had been summoned, and it met on the eleventh of October, when Lauderdale produced his majesty's letter to be high-commissioner. He opened the session with a speech, containing the strongest assurances of the king's attachment to episcopacy, and his resolution to punish conventicles, now that by his indulgence, he had taken away all pretences for frequenting them. This speech was meant to soften the prelates in the affair of the union; but, to the amazement of the public, the two archbishops became advocates for law, and charged the indulgence as being an arbitrary act of government. The difficulties were such, that an act passed, asserting his majesty's supremacy in all cases ecclesiastical, and over all persons. By this act it was declared, "that the king and his successors may settle, enact, and emit such constitutions anent church-government, persons employed in it, ecclesiastical meetings, and matters to be proposed and determined therein, as they in their royal wisdom shall think fit." This act was so contradictory to the sentiments of all parties, that the passing it can only be accounted for by the fervility of the commissioner to the duke of York, who was a papist, and thereby, in fact,

was

was to obtain, when he came to the crown, A. D. 1669.
 the power of establishing his own religion in
 Scotland. The archbishops Sharp and Burnet
 disliked it, because it favoured the indulgence.
 Bishop Leighton, and the moderate episco-
 pists, thought that it erected the king into a
 pope; and the presbyterians exclaimed against
 it as being the utmost stretch of arbitrary go-
 vernment. Such, however, was the complexion Severe fines.
 of the times, that I do not find that any mem-
 ber ventured to dissent from it, when put to a
 vote. After all, upon a very slight review of
 this reign, there was nothing contained either
 in the indulgence or the act, that was not war-
 ranted by, and grounded upon, former decla-
 rations, both of government and parliament.

The next act which distinguished this as-
 sembly, removed the scruples which had been
 entertained by Nisbet, and the other lawyers,
 concerning the standing army. It related to
 the militia, and placed the power of raising
 the subjects in arms, among the inherent rights
 of the crown. All that had been done in rais-
 ing the militia was approved; and it was
 enacted, that it should still be kept up, and be
 ready to march into any of the king's domi-
 nions, for any cause in which his majesty's au-
 thority, power, or greatness, should be con-
 cerned; and that their orders should be trans-
 mitted to them from the council-board, with-
 out any mention of orders from the king.

A. D. 1669. Other unpopular acts passed at the same time, all of them tending to strengthen the power of the king and the established clergy, and the parliament rose the twenty-third of December. During its session, Lauderdale endeavoured to mitigate the unpopularity of his proceedings, by some acts of lenity towards the most obnoxious of the presbyterian gentlemen: but to give a most signal proof of the king's supremacy in all ecclesiastical matters, Burnet archbishop of Glasgow was turned out of his see, for having presumed, in one of its synods, to draw up a paper, remonstrating against the indulgence. It must be owned, that he did this with a very bad grace, as he had been one of the principal advocates for that supremacy, to which he was now sacrificed. Bishop Leighton held the archbishopric in commendam; and Burnet, who had been offered a pension, if he would submit, retired for four years to a private life.

1670.
An accommodation
set on foot.

The year 1670 produced little remarkable. While Leighton filled the see of Glasgow, matters were pretty quiet in the west, and the censures of delinquents were moderate. It was thought proper, however, to approve, by a pardon under the great seal, of Dalziel's conduct. While Lauderdale was absent in London, the complaints of some of the presbyterian gentlemen against Sir William Bannantyne and his soldiers were so favourably heard
at

A. D. 1670.

at the council-board, that the clerks and lawyers, who had in their hands any of the papers belonging to those gentlemen of which they had been robbed, were ordered to restore them. This calm did not long continue. A parliament had been summoned to meet in July; and Lauderdale was again appointed high-commissioner. Upon his arrival at Edinburgh, he pretended that the presbyterian clergy, by abusing his majesty's indulgence, had rendered themselves liable to the greatest severities of the law. Many of them were summoned to answer at the council-board, but they did not comply; and the rest were, by proclamation, ordered not to come to Edinburgh without licence, under pain of death.

Upon the meeting of the parliament, July the twenty-eighth, the project of the union was resumed; but it went no farther than the passing of an act, empowering the king to name commissioners for completing it. The assembly then fell upon the presbyterians with great asperity. An act passed, inflicting fines, imprisonment, or banishment, upon all who refused to turn informers upon oath; for such is the real spirit of the act against delinquents, especially those who resorted to conventicles, field-meetings, or were guilty of non-conformity. Another act rendered it capital for any non-conforming minister to be found preaching in a house, and enacting other sanguinary punishments,

A meeting
of the par-
liament.

A. D. 1670. punishments. As Lauderdale's conduct was entirely directed by the state of the court, he began to relent, when he found that the king had resumed the project of toleration in England, and to extend into Scotland. A committee of the privy-council, with Hamilton at their head, were sent to visit the western parts; and Leighton took a journey to London, where he and Tweeddale were so earnest for moderate measures, that Lauderdale was instructed to offer the presbyterians some concessions. Lauderdale, at first, appeared to encourage this plan; but bishop Burnet seems to think, that the whole of it was a juggle; for after several meetings between Leighton and the heads of the presbyterians, it fell to the ground. There is some reason, however, for believing that this was partly owing to the refractory temper of the presbyterians themselves, who were, if possible, more soured by the power of the king than that of the prelates. Incredible were the pains taken by bishop Leighton in this accommodation. They were worthy one of the fathers of a church; and had they been seconded, might have had the most salutary consequences. Nothing can give the judicious reader a more unfavourable idea of the spirit of those presbyterians, than the manner in which Mr. Wodrow has represented this negotiation to the disadvantage of that excellent prelate. He tells us, its design was to hook in
the

the presbyterian ministers to an unperceived subjection to bishops. The snare (continues he) was seen, and prudently and cautiously avoided. As the whole of it came to nothing, I shall not recapitulate any of the particulars.

Charles the second seemed to receive with horror the news of the sanguinary acts which had passed in Scotland; and Lauderdale began to see that his friends grew cold in prosecuting his violent system. His wife had prevailed upon him to withdraw his countenance from Tweeddale. Duke Hamilton and he were far from being upon good terms; the earl of Argyle was dissatisfied, and Tweeddale was preparing to retire from business. This state of public affairs, and many private family-concerns, foreign to this history, determined Lauderdale to call in his brother, lord Halton, to his assistance. Halton had all his brother's bad qualities, without his abilities; but he now became the channel for Scotch affairs. Few violent measures, however, were pursued this year against the presbyterians. Sir Charles Erskine, lord Lyon, received an order from the treasury for uplifting the rents of the forfeited estates in 1666, which Mr. Wodrow says he executed with some severity. Representations were made at the council-board against the increase of popery, especially in the north, where four priests were seized; but I do not find they were punished, or that informations
against

1671.
State of the
Scotch
ministry.

A. D. 1670.

A.D. 1671.

against papists, in general, were encouraged; for it was an avowed maxim with Sharp at the council-board, that the government was by far in greater hazard from presbyterians than from papists. This was certainly, likewise, the opinion of the court, which, ever since the famous visit paid last year by the duchess of Orleans to her brother, the king of England, was now entirely under French influence.

1672.
Great power
of Lauderdale.

In the beginning of the year 1672, the earl of Lauderdale's power was at its height in Scotland. He was at that time lord high-commissioner, president of the council, sole secretary of state, a commissioner of the treasury, governor of the castle of Edinburgh, and the Rock of the Bafs, (now converted into a state prison) agent at court for the royal burghs, and an extraordinary lord of session. His brother, lord Halton, was treasurer depute, general of the mint, and a lord of session. His great friend, the earl of Athol, was lord privy-seal, justice-general, captain of the king's guard, and an extraordinary lord of session. Another of his friends, the earl of Kincardin, was a commissioner of the treasury, vice-admiral of Scotland, and an extraordinary lord of session. Lauderdale himself had been made a duke, and received the order of the garter. The parliament had been summoned to meet in June, (there having been none during the last year) and he arrived at Edinburgh in April.

His

His brother Halton had then a great management in affairs. The scheme of persecuting the presbyterians was now taken out of the hands of the prelates, and converted into a fund for supplying the necessities, or gratifying the avarice, of Lauderdale's friends. Many gentlemen of fortune were arbitrarily imprisoned and fined; and Lauderdale, when they paid the money, used to insult them with a joke: "Gentlemen, (said he) now you know the rate of a conventicle." Those severities deterred many persons of property of both sexes from appearing to their citations; in which case, their estates and effects were legally plundered by the creatures of the ministry, in virtue of the acts which had passed for that purpose.

The parliament met in June; and the second Dutch war breaking out, served as a pretext for raising a thousand additional men for the king's service abroad. Lauderdale, in the speech he made at the opening of the assembly, zealously recommended the support of the Dutch war to the members. He talked with pleasure of the triumphs of the French. He made a magnificent progress through the country with his wife, the late countess of Dyfart, and demanded a year's assessment. He had, by this time, introduced into Scotland the practice of giving reversions, or survivances of places to his friends, and their children; and

Proceedings
of par-
liament,

A. D. 1672. some of the best places, under the king, were thereby mortgaged. The history of this parliament differs very little from that of the former. It is surprizing, after the plenitude of power granted to the crown for suppressing the presbyterians and conventicles, new acts were found wanting, and actually were passed. They chiefly consisted of supplements to former acts; and was I to remark the particulars, the reader would think that he was perusing what he had read before. An indulgence for the presbyterians having this year passed in England, the court resolved to extend it to Scotland, and Lauderdale had instructions accordingly. It is said that he kept them up for some time; but when the affair became public, the heads of the presbyterian ministers met together, and resolved to apply to Sir James Dalrymple of Stair, who was then a privy-counsellor, and one of their friends, for his assistance and advice. Their behaviour on this occasion was indefensible. The letter they drew up to Dalrymple was treasonable in the last degree; and none could be found mad enough to present it. Three acts of parliament, establishing indulgence, were, however, passed; but though it was more extensive than the last, it gave little satisfaction to the leading enthusiasts, who termed all interposition of the civil magistrates in ecclesiastical affairs downright Erastianism. In short, it appears from the
account

account given by Mr. Wodrow himself, that there was no satisfying their party; and that the greater indulgence they met with, the greater was their opposition to civil authority. This gives some colour for the apologists for the prelates and the ministers, who lay the blame of all the sufferings of the presbyterians upon their own frantic behaviour and principles.

They were, in a great measure, encouraged by a new opposition formed in parliament, in which duke Hamilton took the lead. All the acts of Lauderdale's mal-administration were now ripped up; but when they are seriously considered, they reflect less disgrace upon him than upon the parliament. He had been suffered to fill up a vacancy among the lords of the articles. He would suffer no member to attend, whom he did not order to be summoned; and it was one of his maxims, that no proposal, be it ever so reasonable, should take place, if it did not arise originally from himself. After such shameful compliances, it was no wonder if a minister of his arbitrary impetuous turn should tell the king, "Sir, if you had sent down a dog, with your commission about his neck to your Scotch parliament, he would have done all that Middleton has done." Immediately after Lauderdale had made his speech, duke Hamilton moved, that the state of the nation might be considered,

1673.
where an
opposition is
formed.

A. D. 1673. and grievances redressed. This struck Lauderdale with astonishment; and upon expressing himself in his usual overbearing manner, one of the members had the courage to ask, "Is this a free parliament or not?" and a very free debate was managed for the opposition chiefly by that excellent patriot Sir Patrick Hume of Polwarth. A paper, which has been published by Mr. Wodrow, gives us a lively description of the grievances of Scotland, and the despotism of Lauderdale at this time; and it is confirmed by other irrefragable evidences. It there appears, the Scotch nobility were so poor, and so much in debt, that they generally subsisted upon pensions from court: that their numbers were near a hundred, and that they lived far above their incomes. Lauderdale, without so much as consulting the king, filled up all places of honour and profit in the privy-council, and the courts of revenue and justice, as well as in the ecclesiastical and military departments. The ordinary revenues of Scotland might have then amounted to about ninety thousand pounds sterling a year, besides the great sums raised upon fines and confiscations, together with assessments, one of which, that of last year, amounted to a hundred and forty-four thousand pounds sterling. All this revenue was insufficient to supply Lauderdale's vast expences. He was allowed sixteen thousand pounds sterling for his equipage; and his revenue

Appendix,
Numb. 60.
Insolence
and rapaci-
ousness of
Lauderdale,

A.D. 1673.

venue upon the whole, is said to have exceeded that of the antient kings of Scotland. The gifts of wards and marriages were given to his friend the earl of Kincardin, who had likewise a monopoly of inland salt, (foreign salts being prohibited) with about four thousand pounds sterling a year, against the opinion of the court of exchequer. Another warrant was given to Sir John Nicholson, the lord Halton, and others, for an imposition of eight pennies Scots, in the pound, payable to them, upon the importation of tobacco, which amounted to above three thousand pounds sterling a year, tho' represented to the king as not amounting only to one hundred. Vast abuses of the mint under Halton were complained of, as likewise those in the army, the heralds-office, and all other departments of business.

Those charges fell like so many claps of thunder upon the commissioner. At first, he endeavoured to intimidate the members; but he found the opposition too firm to be shaken by high words. He then practised upon them by short adjournments, and offered to remove the three principal grievances complained of. This concession was thought inadequate to the sufferings of the nation; and it was moved, that his majesty should be informed by his parliament of the true state and condition of Scotland. Lauderdale represented this as an invasion of the constitution, particularly of the powers

who is
forced to
adjourn the
parliament.

A. D. 1673. powers granted by it to the lords of the articles, which have been already described; and which, in effect, rendered the parliament an inefficient body. Fresh matters of complaint presenting themselves every day, his grace, at last, told them in plain terms, that if they were all united in the prosecution of their grievances, it was in his power to stop their proceedings, by his single negative; and, in fact, he adjourned them on the ninth of December, after sitting only five times.

No great attention, during this session, was paid to ecclesiastical affairs. Some harsh measures were, however, still continued. The bulk of the presbyterians were instructed from Holland to look upon all the indulgences that had been offered them, as no better than preparatives for the toleration of popery; and I am inclined to think, that some very unwarrantable connections were now formed between the Scotch and the Dutch presbyterians.

1674.
Requests of
the oppo-
sition.

The members of parliament were in very bad humour on their dissolution. The duke of Hamilton and the earl of Tweeddale, according to bishop Burnet, were desired by Charles to come to court to give him a true account of the affairs of Scotland. They could do this with no safety to themselves, on account of the dreadful statute of leasing-making; but an anonymous letter was put into the king's hands, containing their sentiments. They requested, that a

new

new commissioner should be appointed for the next session of parliament, but that the duke of Lauderdale might hold his places of president of the council, and commissioner of the treasury, and have a full pardon. That some alterations might be made in the administration, particularly with regard to the finances, and the courts of justice. That the commissioner to be appointed should be empowered to redress all grievances, both civil and ecclesiastic; and that a general act of oblivion, and indemnity, should pass. The peace with Holland being declared, the king was in hopes that the commons of England might be softened in their opposition to his measures; but that was far from being the case, for they continued so violent, that Charles thought he had no safety but in the Scotch army, which Lauderdale pretended was entirely at his devotion. The English commons suspected this to be his plan, and appointed a committee to inspect the laws lately made in Scotland, whereby an army was authorised to march into England and Ireland. To render it more practicable, Lauderdale, all of a sudden, attached himself to the presbyterians, and became intimate with the earl of Argyle, and Dalrymple, president of the council, their two great patrons. Bishop Burnet says, that Lauderdale connived at the insolence of the presbyterians, who took possession of one of the principal churches of Edinburgh,
and

A.D. 1674. and preached in it for some months; and I perceive, that about this time, orders were sent to raise an additional thousand foot, and three troops of horse.

1675.
Diffidency
amongst the
lawyers.

Charles dismissed the duke of Hamilton, and his remonstrating friends, in so gracious a manner, that they returned to Scotland in full hopes of a change of measures; but they were disappointed, for, instead of obtaining any redress, the parliament was adjourned from the third of March to the fourteenth of October. An incident happened at this time, which made great noise. A cause was judged in the court of session, and the losing party appealed to parliament as the superior judicature. Lauderdale and his friends took this amiss, as it seemed to create a necessity for frequent parliaments. The greatest loyalists in Scotland differed upon the question, and Sir George Lockhart and Sir George Mackenzie differed from the court. Upon this an order came down, disabling all lawyers who were of their opinion from practising, and another for banishing them twelve miles from Edinburgh. They submitted to the exile; and another letter came from the king, declaring, on the word of a prince, that if they did not retract by a certain day, they never should be re-admitted to practice. About twenty-five of them, scarcely a third of their number, complied with this letter; and the rest beginning to be staggered,

Sir

Sir George Mackenzie deserted them, and preferred a petition to the council to be restored; which he accordingly was, and with him, all who signed his petition. Thus this law-schism was made up, after a total cessation during a twelvemonth of juridical procedures in Scotland. The reader perhaps need not be informed, that the taking away all appeals to parliament left the members of the court of session, who were placed and displaced at the king's pleasure, the supreme judges of all matters of property in Scotland.

The Dutch had the privilege of beating up for recruits in Scotland. This gave an opportunity for the presbyterians in Holland to cultivate a correspondence with their Scotch brethren, and one Carstairs was an agent between them. The Prince of Orange thought, that by embarrassing the king's affairs in Scotland, he might procure better terms for the Dutch; and duke Hamilton being considered as the head of the opposition there, Carstairs was charged to make his compliments to that nobleman. This came to the knowledge of the duke of Lauderdale, who represented it to Charles in such a light, that it was considered as the commencement of a rebellion. It does not clearly appear how general Drummond was concerned in this affair; but the king ordered the privy council to put him under confinement in the castle of Dumbarton, to which

The Dutch
suspected.

A.D. 1675.

Persecu-
tions of the
presbyte-
rians re-
newed,

he was accordingly committed, to the great amazement of the public, who looked upon him as one of the oldest and most faithful servants the king and his family had in Scotland. About the same time, the worthy archbishop Leighton found his situation so very disagreeable, that he resigned his archbishopric, in which Burnet was replaced. Lord Cardross, one of the worthiest noblemen in Scotland, underwent a severe and unjust prosecution for being suspected of performing certain acts of piety and humanity towards one Mr. King, his chaplain, who had been seized and carried away, in the most ruffian-like manner, from the house of Cardross, but had been rescued by the country people. It was in vain for his lordship to prove, by the clearest evidence, the violence that had been committed on his lady and family, and that he had no concern in the rescue: nor does it even appear, that Mr. King came under the description of the act of parliament as a rebel. His defence was so strong, that even the crown lawyers were for acquitting him. But it was next to treason to mention, in Scotland, any other law but that of state; and lord Halton, at the council-board, overbore all reasoning by the barely mentioning the king's letter, which required them to proceed severely in the case. His lordship was therefore committed prisoner, during his majesty's pleasure, to the castle of Edinburgh, and

and fined a thousand pounds sterling, for his own offence, besides one thousand three hundred and fifty pounds Scots, being the total of the sums at two hundred and fifty pounds Scots a-piece his tenants were found liable to. The reader, from this treatment of so respectable a nobleman, may form some idea of the hardships which the rest of the presbyterians in Scotland then suffered.

The city of Edinburgh, during Lauderdale's administration, had paid him two hundred pounds sterling a year, as agent for their borough at court, and had made presents to him and his brother to the amount of eleven thousand five hundred pounds sterling besides. Their oppressive measures rendered them so unpopular, that the inhabitants turned their party out of the magistracy; upon which the lord Halton not only threatened to remove the courts of justice to Stirling, but to disenfranchise their city; which he certainly would have attempted to do, had they not produced their charters, which the crown lawyers pronounced to be valid. The next attempt made by the Lauderdaleians was to confine the royal burghs in the choice of their annual commissioners, either to their general meeting, or their parliament to their respective corporations. This was done with a view to prevent their making choice of lawyers, or persons who might be troublesome to the court, They re-

with other
arbitrary
proceed-
ings.

A.D. 1675. monſtrated againſt this arbitrary mandate, not without ſome hints at Lauderdale's tyranny. All the effect the remonſtrance had, was to draw upon them a freſh mandate, by which four of their body, who were ſuppoſed to be concerned in drawing up the remonſtrance, were imprifoned; but though the ſevereſt and moſt inquiſitorial methods were taken to prove them guilty without ſucceſs, the council kept three of them (the fourth dying in the mean time) in priſon for three months, and then impoſed upon them heavy fines, beſides declaring them incapable of public employments.

Charles pro-
teſts Lau-
derdale,

Though Charles affected, in private converſation, to be ſhocked at violence or cruelty of any kind, and though perhaps he deteſted the perſon of Lauderdale; yet we know no inſtance of his puniſhing him while he could be ſubſervient to his favourite meaſure of being enabled to govern without a parliament. Though the Engliſh parliament, about this time, had, again and again, addreſſed him againſt Lauderdale, as the moſt dangerous and wicked miniſter that had ever ſcourged the people of any kingdom; and though his arbitrary diſpoſition had been proved at the bar of the houſe of commons by his friend doctor Burnet; yet Charles thought, that his chief crime lay in advancing the royal prerogative, which was the moſt meritorious ſervice he could perform to his crown and perſon, and created him an Engliſh

lish peer, by the title of the earl of Guilford, with a pension of three thousand pounds sterling a year. The particulars alledged against him are to be found, at large, in the history of England, where he was a privy-counsellor; but it is plain that his capital offence was the scheme he had formed in his own country, for keeping on foot a standing army of twenty-two thousand men, who, by act of parliament, were to march wherever required by the king, and to be at his devotion.

In order to give some colour for holding this dreadful scourge over the heads of the people, the outcry at the council-board against conventicles was renewed and redoubled. Fresh letters were sent down from Lauderdale to suppress them; and a new process, called that of intercommuning, was directed by the council against all fugitives, who had not appeared before that board to answer for preaching, or being at field conventicles. But the capital measure was that of converting twelve gentlemen's houses into garrisons, as they are termed by the act of council, but, more properly speaking, barracks, in the disaffected counties. This, in effect, was reducing them to a military government, and presented the most deplorable prospect to the friends of liberty. Sir Patrick Hume of Polwarth, the Hamden of Scotland, but with more success, and a better fate, had the courage to demur to contribute

Scotland
bridled by
garrisons.

A. D. 1675. contribute to the support of the garrisons in the county where he lived. He was at first joined by some gentlemen in the south; but they were soon intimidated into compliance, and he was committed prisoner till the king's pleasure should be known. This tyranny, exercised upon so generous a patriot, alarmed the friends of liberty not only in Scotland but in England, as he had done nothing in prejudice of the law, against which he remonstrated, and which was in express contradiction to the laws that had been enacted even in the same reign. Lauderdale finding himself strongly pushed in Scotland, ordered his brother to assure the public that allowances should be made out of the public money for the provisions which private gentlemen were obliged to furnish to the garrisons. It would greatly exceed the bounds proposed for this history, should I particularize the twentieth part of the oppressive measures the government fell upon at this time. It is to the honour of the memories of the sufferers that they did not tamely submit, even though the swords of disciplined barbarians (for such were the Highlanders, of which the army were chiefly composed) were pointed at their throats. It is true, they were obliged to bear the weight of their chains; but they shewed an impatience under them, which proved that the spirit of liberty, though oppressed, never was extinguished in their breasts; and

and its manifestation was preserved for happier times. It is not too bold a conjecture to say, that a milder, a wiser, and more beneficent administration, might have been more fatal to that spirit, than all the blundering despotism of Lauderdale and his brother. A. D. 1766.

The more moderate of the episcopal clergy called out for a national synod, because the affairs of the church were managed by Sharp as a pope, and by the council as a conclave. The bishops of Brechin and Dumblain were at the head of this party; but their complaints were considered as so many evidences of their disaffection to Lauderdale's administration. Sharp took the alarm, and summoned the archbishop of Canterbury to his support. After the most serious review of the history of Scotland during this reign, I have not met with a single measure of moderation pursued either in church or state, upon constitutional principles. All applications were made to the prerogative; all appeals lay to it, and, from it, every alteration proceeded. Sharp, without proposing any rational expedient, solicited his brother-archbishop to apply to his majesty for prohibiting the meeting of a national synod, which was accordingly done. The bishop of Brechin was intimidated from his opposition; but Ramsay bishop of Dumblain spoke and wrote to Sharp with a becoming freedom; for which he was ordered to be removed to the bishopric of the Isles.

The bishop
of Dum-
blain cen-
sured.

THE HISTORY

Isles. He followed Sharp to London, where he taxed him, in a private letter, with his arbitrary proceedings; and threatened him with the canons of the church, in a manner that shews him to have been a man of sense and spirit. Sharp answered him with great shew of mildness and charity; but I find that Ramsay was afterwards brought to answer, in a meeting of his brethren, for having gone to London without leave of his majesty or the archbishop; and for having, without consent of his superiors, been concerned in a petition for a national synod. Ramsay acquitted himself with great abilities; but, at last, was forced to drop his opposition, and was continued in his bishopric.

Witches
burnt.

The spirit of witch-burning prevailed this year to a degree that threatened to depopulate Scotland of old women, to the no small disgrace of the sense and learning of the prelates. The army still dragooned the western counties; and the moderation of the soldiers was the only barrier opposed to the most inhuman execution of the laws. Gentlemen, ministers, and others, were obliged by the council to declare upon oath "what conventicles they had been at since the year 1674; what children they had baptized, and whether they had resett, or harboured intercommuned persons." They who refused to take this oath, either absconded, and were declared rebels, or were severely
fined

fin'd or imprison'd, for their refusal. In short, the whole business of government once more turned upon religious persecution. Bishop Burnet says, that Sharp had informers, who patrolled the street to trepan conventiclers; and of this he gives a remarkable instance in the person of a profligate officer, one Carstairs. This villain decoyed a minister, one Kirkton, into a dark suspicious place, which he called his lodging, though it was no better than a dungeon, and endeavour'd to extort money from him; but he was happily deliver'd by force, by Bailie of Jervasewood, and some of his friends. Carstairs complain'd of this to the council, where it was represent'd as rescuing an offender from an officer of justice. Bailie, who was a man of fortune, being summoned, ingenuously related the whole affair, with the strongest circumstances and proofs of his own innocence, and that of his assistants. Sharp insist'd upon punishing the rescuers; and Carstairs was furnish'd with an antedated warrant for apprehending Kirkton. The event was, that Bailie was sent to prison, till he paid five hundred pounds sterling, and his assistants in proportionable sums, upon the bare oath of the infamous prosecutor.

Kirkton
trepanned.

Kirkton was a gentleman of some interest, with an excellent character; and the iniquity of his punishment was so barefaced, that the duke of Hamilton, the earl of Kincardin privy-

1677.
Persecution
of the whigs
stop'd, but
reviv'd.

A.D. 1677. seal, (who had now broken with Lauderdale) the earl of Dundonald, and some others, had ventured to speak in favour of Kirkton and his friends, for which they were immediately removed from the council-board, and duke Hamilton was discharged from his commissions under the government. In the beginning of this year, Lauderdale, whose only plan was the establishment of despotism, but without any principle of government, and therefore entirely trusting to expedients, took a journey into Scotland, attended by his duchess, to marry her daughters into the powerful families of Argyle and Murray, which she did; and her youngest son to a rich heiress, who died during the courtship. As those families were known to have a warm side to the presbyterians, Lauderdale thought proper to suspend, for some time, the fury of their persecutions, by bringing down with him a farther indulgence from the king. The prelates opposed this, as the destruction of their church and government; and some accidental tumults happening, they were represented as being fresh acts of rebellion. The state of the king's affairs in England, where the whigs gained ground, obliged him, and consequently Lauderdale, to resume their cruel measures; and their great view now was to exasperate the presbyterians into such acts, as might carry a face of rebellion, and justify keeping on foot a
standing

standing army. The conventiclers had been emboldened, by the late shew of indulgence, to assemble more openly than ever; and their numbers encreased so greatly, that they were guilty of some provoking acts, and had even concerted the means of sometimes repelling force by force, if interrupted in the exercise of their religious worship. As no further act of government had passed to warrant them in those practices, orders of council were issued to the heritors, requiring them to keep the peace, which they frankly owned was beyond their power; but offered, if assisted by the civil authority, to do their best; representing at the same time, that when the conventicles broke up, the people always retired quietly home. This answer was considered as a reason for strengthening the hands of government, by encreasing the military power; and suggested one of the most diabolical expedients that ever was practised in a civilized country.

This was no other than to issue commissions for raising and arming the highlanders, and letting them loose to live at discretion on those miserable enthusiasts, who, as an excellent author has remarked, ought to have been rather considered as lunatics than malefactors. This army of barbarians was to be exclusive of the standing forces and the militia. To take away all opportunities for the unhappy sufferers, or their friends, carrying their complaints

A.D. 1678. to the throne, a proclamation was issued, rendering it penal for any of the nobility, or others, excepting common traffickers, to leave the kingdom without licence. That the ministers might crown their execrable measures, Mitchel, who had made the attempt already taken notice of upon the archbishop of St. Andrew's, was discovered, and put to the torture; but by bearing it with astonishing fortitude, he stood acquitted by the laws. A new attempt was made to trepan him, and he was exhorted to confess in order to save other people from being put to the torture on his account, a promise of pardon for life and limb being at the same time made him. Mitchel, overcome by their arguments and promises, made a full confession, and it was entered upon the council-book. Being brought to his trial, when he was expected to plead not guilty, he pleaded his pardon; upon which he was sent prisoner to the Bass. Sharp represented, that if Mitchel was not capitally punished, his life was exposed to every assassin, and he was again brought to a trial. Nisbet was by this time turned out of his place, in which he was succeeded by Sir George Mackenzie, a more pliable tool of government. Many points of law arose; for Mitchel's case was so flagrant that he had some friends. The judges, pressed by Mackenzie, over-ruled all the previous questions in Mitchel's favour, and his confession

Trial, torture, and execution, of Mitchel.

was

was proved; but when he appealed to the council-books to prove his pardon, the duke of Lauderdale would not suffer them to be brought into court, and the man was condemned. It is said that Lauderdale would have respited his execution till the king's pleasure should be known; but this being opposed by Sharp, "Then, said his grace with an impious taunt, let Mitchell glorify God in the Grass-market (meaning the place of execution)." He was accordingly executed on the eighteenth of January.

This execution raised great horror against the government, but especially against Sharp, who has been chiefly loaded with its infamy. Reflection, I am far from vindicating that prelate as to the share he took in the public transactions of that time, and yet I doubt his conduct has been exaggerated. He had certainly raised many enemies, even among those who seemed most devoted to his will, and perhaps he had no real friend at the council-board. His memory, soon after the Revolution, became detestable, and it was then fashionable for the friends of the government to lay on him the blame of many measures, in which they themselves concurred or directed. Hence it is, that the chief charges against Sharp rest upon bishop Burnet's private anecdotes, provincial traditions, and inflamed narratives, which ought to be adopted with caution. Where such a man as Lauderdale governed, it is needless, and in vain, to load any other

A. D. 1678. other person with state crimes. In short, making allowances for party resentments, too much guilt of the times appears upon record, to prove this to have been one of the worst governments that ever existed in any civilized country, and gives but too much countenance to the wicked facts alledged to have been committed, though not recorded.

The high-land army put in motion.

The intention of the government, by Mitchell's execution, was to fix the charge of his assassinating principles upon the whole party. About eight or ten thousand highlanders were already embodied, and Stirling was ordered to be the place of their rendezvous, the earl of Huntley being appointed to take care of their houses and families during their absence. Letters were written to the duke of Hamilton, and other suspected noblemen, to attend the royal army; but his grace excused himself, and I believe so did some others. Bonds were exacted in several counties for keeping the peace, and a train of artillery was sent to Glasgow: a committee of the privy council, many of which were themselves commanders in the army, was appointed to attend it. Their names were the marquis of Athol, the earls of Mar, Murray, Glencairn, Wigton, Strathmore, Linlithgow, Airly, Caithness, Perth, and the lord Ross. They were furnished with ample instructions for extinguishing the least spark of sedition which should appear in the west; and though the

Wedrow.

the gentlemen of the shire of Air had the courage to make some representations against the terrors that were hanging over their heads, they could find no access to the council-board.

The highlanders, after rendezvousing at Stirling, proceeded on their march with all the warlike appearances of an army ready to enter into an enemy's country. The committee opened their commission for disarming all the shires they suspected, and for taking the most oppressive bonds from the inhabitants, obliging them not to resort to conventicles, and to do their utmost endeavours to apprehend all forfeited persons, intercommuned ministers, and vagrant preachers. It may be proper here to observe, that the highlanders, the descendants of the ancient Celts, had preserved, not only a language, habit, and arms, but sentiments, religion, and manners, different from the lowlanders. Devoted as they were to their chiefs, there was no restraining their passion for plundering; especially as they now had the appearance of legal authority on their side. It is not a little extraordinary, that under all those terrors of persecution and military execution, the gentlemen and inhabitants of the western counties in general, refused to subscribe the bonds required of them, and some had the courage to draw up and publish many strong papers against their legality. The wise and more moderate part of the nation reflected

Their oppressions and barbarities.

A. D. 1678. ed now upon the violence with which the covenant had been pressed upon the royalists, and, no doubt, the remembrance of those days sharpened the spirits of many who were now in the direction of affairs.

*Noble spirit
of the west
country
lords.*

Though the highlanders were permitted to gratify to its utmost extent their native propensity to plunder and rapine upon the miserable inhabitants; yet their outrages served only to add noblemen and gentlemen to the party of the persecuted. Lord Cochran, the earl of Cassils, the lord Cathcart, Sir John Cochran, the laird of Crefnock, and other gentlemen, refused to give bonds in the terms required; and they were joined by the earl of Loudon, lord Montgomery, and Bargeny. The barbarities of the highlanders continued to an amazing height; they who took the bond were no more spared than those who refused it, and many of the most refractory offered security for themselves, their wives, and children; but this was rejected, unless they would give it for their tenants and subtenants likewise, and oblige them to be active in apprehending all suspected persons. The difficulties the committee of the army met with in the west, threw Lauderdale into a kind of frenzy. He made bare his arm to the elbow, and swore by Jehovah, that he would make the whigs enter into those bonds. The duke of Hamilton repaired to Edinburgh, and at the head of all the nobility, who

who retained the least sentiment of moderation, represented to the council the dismal state of the country; but their representations had so little effect, that they undertook a journey to London, in hopes that the king was a stranger to the distresses of his Scotch subjects. They were deceived. Instead of receiving redress, a letter was dispatched from Charles, countersigned by Lauderdale, approving of all the violent measures of the council. "We approve (says Charles) of your sending our forces, and of the commissions given by you to those noblemen that have their interest in the highlands, and to those given to the militia of horse and foot; and to KILL such as should oppose our authority by arms, for the suffering field conventicles, which we, as well as our laws, think the rendezvous of rebellion; and the refusing to suppress them, did justly oblige you to look upon these shires as in a state of rebellion, in which these, and severer courses are necessary and unavoidable, and are very gentle in respect of those misfortunes that followed lately in the like beginnings." The unconstitutional bonds are likewise approved of, and the whole of the letter exhibits a complete picture of slavery.

A. D. 1678

Charles approves of the conduct of the council.

Dated March 26

As to the duke of Hamilton and his fellow-patriots, the king refused to see them, because they had left Scotland contrary to the act of council already mentioned. Their journey

Alteration of Charles's measures in Scotland.

A. D. 1678. however seems not to have been without effect. The highlanders were ordered by the council to march back to their own country, and that they should be replaced by the militia. The highlanders accordingly carried off with them an immense plunder, as appears from the particulars of the account stated by Mr. Wodrow. Soon after, the privy-council's persecution of the earl of Cassils, and other enormities of government began to be so clamorous, that an order came from London to stop the proceedings by lawborrows, which was a security exacted from every person for keeping the king's peace, and was considered as one of the greatest grievances of the subject. A laboured, but well penned, narrative of the proceedings of the council was drawn up in vindication of the members; but the whole is grounded on the suppositions, that the preceding severities and cruelties exercised under Charles, were legal acts of government, and agreeable to the constitution, and that the counties which had been thus scourged, were in an actual state of rebellion. The duke of Hamilton, the earls of Roxburgh, Haddington, lieutenant-general Drummond, and at last the marquis of Athol, and the earl of Perth (the two last were principal officers in the highland army), ventured once more to disobey the act of council, and went up to London without any licence. The two last noblemen had been always considered

as the surest friends Lauderdale had in Scotland; but they frankly owned themselves disgusted with the violence of his proceedings, and the oppressions of their country. They were attended by the great lawyer Sir George Lockhart, and their representations were so effectual, that a letter came immediately from the king, suspending not only the lawborrows, but the bond, till his pleasure should be farther known. The council had sent up the earl of Murray, and the lord Collington, to vindicate their proceedings, but with so little effect, that I find Charles, at the same time, ordered that all the forces in Scotland, excepting his own guards, should be immediately disbanded.

By the best account we have of this transaction (for I cannot rely entirely upon bishop Burnet's anecdotes), Charles was fully sensible of his council's barbarous administration in Scotland; but he behaved with great stateliness towards the noblemen who had come to London without licences. He admitted, at last, the duke of Hamilton, lord Cochran, and general Drummond to an audience, and sternly asked them the reasons why they had come to London contrary to his proclamation*? Duke Hamilton said,

He gives audience to the discontented noblemen.
May 25.

* Bishop Burnet seems to have been ignorant of this audience; and says, the king saw only the marquis of Athol and the earl of Perth; but Mr. Wodrow has given us a very particular account of it in the words of one who was present.

A.D. 1678. "The chief encouragement he had to come and make known his oppression, was that which the king said to him when last here, which was, That when he was any way wronged, he should come to himself and make it known; and that now he could not but come, since he and others were so much wronged." The king was attended by the dukes of York and Monmouth, and the lord treasurer Danby. Upon entering into particulars, the latter became a violent advocate for all Lauderdale's measures; but, in a debate, which lasted for two hours, they were proved to be arbitrary, and unconstitutional. The king discovered great emotions of concern during the conference, and owned, that many wrong things had been done; but he was in a manner so overawed by Danby, that he refused to suffer the duke of Hamilton, though he craved it upon his knees, the honour of kissing his hand. The Scotch lords had afterwards another audience before the privy-council; but such was the jealousy of Charles for the prerogative, that he would not, in express terms, condemn Lauderdale's administration. It seems to be past a doubt, that Charles, about this time, had some thoughts of putting Scotland entirely under the management of his favourite son, the duke of Monmouth. He probably was diverted from this by the popish party, who represented the duke as being already the darling of all

all the noblemen at London, possessed of one of the greatest estates in Scotland in right of his wife, and nearly allied to the noblest and most disaffected families there. A.D. 1678.

The duke of Lauderdale was not insensible of his danger; and the prelatical party thought that their doom was sealed, upon the appearance of moderate measures. Lauderdale, to preserve his own power, ordered such representations to be made at court of fresh dangers from the conventiclers, and consequently the necessity of augmenting the army, as must render a convention unavoidable. A convention of estates was accordingly summoned, while the great noblemen who were in the opposition were at London*. This convention was so complaisant, as to vote money for the payment of a new regiment of foot, three regiments of horse, and some dragoons; and the members were so entirely at Lauderdale's devotion, that they sent up a fresh letter, recommending him to the king; and his majesty answered it by another, approving of his administration. The popish plot breaking out about this time in England, opened a new scene,

A convention of the states.

* Bishop Burnet's representation of this convention is a fresh argument why we ought to read his history with caution. He talks of Lauderdale's carrying elections, and issuing out writs for the convention, as if it had been a parliament; whereas the convention required no new elections, and was summoned by way of proclamation, which directed that all vacancies in parliament should be filled up before the meeting.

A. D. 1678. and threw that kingdom into confusion. Upon a candid review of it in all its progress, from its commencement to the Revolution, it appears to have been a bloody fanatical contrivance of zealous protestants, to render the papists odious in the sight of the public; but as it has very little connection with Scotch affairs, I must refer to the English history for particulars, though in its consequences it certainly was felt in Scotland. The patrons of the plot, lord Shaftesbury particularly, appealed for its reality to the slavery of Scotland; and tho' the safety of the king's person was assigned as the cause of all the executions, or rather murders, committed by law; and though Charles knew that the whole rested upon perjury, falsehood, and subornation, yet he was obliged to treat it as a real conspiracy of the papists.

1679. During the warm debates which this plot occasioned, Lauderdale was always mentioned in the house of commons, and branded with the most opprobrious language, as the tool of arbitrary power. Forty copies of the speech made by the earl of Shaftesbury, in which he mentions the slavery of Scotland, were sent down to Edinburgh, and dispersed among the oppressed whigs, whose grievances had already exasperated them almost into despair. They were too much sharpened by the invectives that continually came from their brethren in Holland, and were adopted and propagated by
their

their warm brethren in Scotland, till numbers of them not only scrupled to accept of any indulgence from the government, but to pay the assessment for the new raised troops. A. D. 1679.

Lauderdale was then in England; and the council took that opportunity, after ordering some papers to be seized and examined, to send a congratulatory address to his majesty on his deliverance from the plot, with an exultation, that it was found, after the strictest enquiry, that no Scotchman was in the least concerned in it. Towards the end of the last year, several new members were added to the council. Sir George Mackenzie of Tarbat was made justice-general; the laird of Cragie justice-clerk; the powers of the judiciary court were enlarged, and they were ordered to sit much oftener than usual, for the dispatch of business. Charles found such employment in England, that he could not attend to the affairs of Scotland, where the persecution of the whigs raged as much as ever. I am inclined to think, that their sanguine expectations, at this time, of a toleration, and their disappointment, led them into some unwarrantable acts, which their enemies made use of as pretexts for the new severities they inflicted. Additional commissioners were added to every shire for executing the laws against non-conformists; and their powers were likewise encreased, as were those of the sheriffs and their deputies, to an almost incredible

Persecution
of the whigs
renewed.

Wedrow.

A.D. 1679. incredible degree of despotism in matters of religion. Fresh hardships were daily multiplied upon the whigs; and their sufferings became so intolerable, that the most violent among them resolved upon a rebellion, and separated from those ministers who had accepted of any indulgence. As a prelude to the rebellion they were meditating, some soldiers were murdered, while they were quartered with landlords, who had refused to pay the cess, and some officers were beaten, or otherwise abused; and Mr. Wodrow himself ingenuously acknowledges, "that about this time matters were running to sad heights among the armed followers of some of the field-meetings." He even insinuates, that their heads were inclined, at least, to disown the king's authority; and admits, that they were ready to insult all the indulged ministers of their own persuasion, some of whom were obliged to leave their houses. It was no wonder that those desperate principles and practices sharpened the sword of government into new severities. These were so far from reclaiming the delinquents, that they impelled a party of them to the execrable murder of the archbishop of St. Andrew's, which was performed at a place called Magus-muir in Fifeshire; an event so important in the Scotch history, that I must give some of its particulars.

Vol. ii. p.
26.

The archbishop very possibly was vexed at seeing conventicles multiplying, even in his own county of Fife; and, previous to a journey he intended to London, he set out in the beginning of May for St. Andrew's. Nine assassins, some of whom were gentlemen of fortune in that county, proposed to intercept and murder him; and they got sight of his coach near the village of Magus. The bishop seeing them follow him, ordered his coachman to drive as fast as he could; but the best mounted among them overtook the coach, and cut the traces. The postilion, the coachman, and an armed attendant, were soon overpowered, and the assassins discharged their carbines into the coach without wounding the bishop; a circumstance which his enemies ridiculously attribute to magic. The bishop, according to the best accounts, behaved with great resolution and calmness; but was wounded by a sword, and as they were preparing to force him, he left his daughter in the coach, and coming out of it, he said to one of them, (Hackstoun of Rathillet) "Sir, I know you are a gentleman, you will protect me." The answer he received was, "Sir, I shall never lay a hand upon you." It was in vain for him to expostulate for his life; for the assassins, persuaded that he was invulnerable by bullets, put him to death in a manner too barbarous to be particularized here. The chief

A. D. 1679.
Barbarous
murder of
the archbi-
shop of St.
Andrew's.

A. D. 1679. affassin, whom Mr. Wodrow calls the captain, but is too delicate to name him, upon this secured the bishop's five servants, and demanded his papers; and after rifling his person, they left the body about half an hour after noon on the third of May, and escaped without being noticed.

SAC vol. v.
p. 302.

I have given the above account from Mr. Wodrow's narrative, stripped of its fanaticisms; and by comparing it with that of cardinal Beaton's death, there is a remarkable coincidence of circumstances, especially in the murderers professing they had no personal quarrel with either prelate*. But the account pub-

* Mr. Wodrow was so much struck with this coincidence, that he makes the following reflections: "Upon the whole, though the most part of good people in Scotland could not but observe and adore the holy and righteous providence of God, in the removal of this violent persecutor and spring of the most part of the former severities at such a juncture, when just upon new and violent projects, yet they could not approve of the manner of taking him off, nor would they justify the actors: and the known stanza of that excellent man, and, in his time, good poet, Sir David Lindsay of the Mount, upon cardinal Beaton's death, could not but come in people's minds, as not unapplicable; with it I end this section and chapter.

As for this cardinal, I grant
He was the man we might well want,
God will forgive it soon:
But of a truth, the sooth to say,
Altho' the lown be well away,
The fact was foully done."

Wodrow, vol. ii. p. 33.

The names of the murderers were John Balfour of Kinloch, David Hackstoun of Rathillet, George Balfour in Giltstoun, James Ruffel in King's-kettle, Robert Dingwall, a farmer's son in Caddam, Andrew Guilan weaver in Balmerinoch, Alexander Henderson

lished by authority represents the tragedy in a very different light, and as being attended from the beginning with every mark of barbarity and cruelty on the part of the assassins, and of resignation and piety on that of the archbishop. This account is supported by others, that carry all the evidences of truth and impartiality. His daughter and four or five servants were witnesses of the whole, and could have little or no temptation to prevaricate; while, on the other hand, religious enthusiasm has little regard to any other object than what its own delusions suggest.

I have already declared that I can see no probable grounds for many of the charges brought against this archbishop's memory; and am still of opinion, that the capital accusation brought against him of having betrayed his party, if not quite defensible, admits of many alleviations. Be that as it will, Lauderdale and his friends made his murder a handle for justifying and encreasing the persecutions of the presbyterians. The field meetings became so frequent, that it was made lawful, by proclamation, for the soldiery to fall upon all persons assembled at armed conventicles, and put them to the sword. This, instead of dissipating, cemented the enthusiasts, who were

Henderfon and Andrew Henderfon, sons to John Henderfon in Kilbrachmont, George Fleming, son to George Fleming in Balboothy.

A. D. 1679. not ignorant of the untowardly state of the king's affairs in England, and about eighty of them assembled at Rutherglen in Clydsdale.

Assembly at
Rutherglen.

A young preacher, one Hamilton, was declared their head; and on the twenty-ninth of May they drew up a declaration against all the acts of parliament relating to religion, and publicly committed them to the flames of the bonfires that had been lighted up in commemoration of the day. An order was sent by the council to captain Graham of Claverhouse to suppress the rebels, by either making them prisoners, or putting them to the sword. Graham was a most excellent officer, and had served with great gallantry abroad under the prince of Orange; but was too prompt to execute sanguinary orders against presbyterians in general, and despised them too much. He attacked the rebels while they were at prayers; but Hamilton, at the head of about two hundred and fifty half armed peasants, entirely defeated his party, killed about thirty of his soldiers, made as many prisoners, and he himself narrowly escaped with his life.

A rebellion
breaks out.

Elated with this advantage, the rebels took possession of the Town of Hamilton, and the regular forces were alarmed at Glasgow. It has been thought that Lauderdale and his friends suffered their numbers to encrease, in hopes of enjoying the forfeitures of their estates; and it is certain, that had he acted vigorously,

gorously, they might have been crushed with ease in the beginning. From Hamilton they marched to Glasgow, where the regular troops had barricaded themselves in the market-place, and received them with so brisk a fire, that they were driven with some loss out of the town. Many were the proclamations issued out against the rebels, and for assembling the militia. Their numbers increased so greatly, that lord Ross thought proper to retire with the king's troops from Glasgow, and Edinburgh itself was alarmed. The rebels taking possession of Glasgow, lord Linlithgow, who was marching against them with about fifteen hundred men, made a stop, lest they should get between him and the capital; at the same time he magnified their numbers to seven or eight thousand. The council approved of his halting, and ordered him to cover Stirling, but afterwards to draw towards Edinburgh. At the same time, so dreadful an account of the rebellion was sent to London, that the duke of Monmouth was named to command the king's forces in Scotland; and Dalziel was appointed his lieutenant-general. This nomination of the duke of Monmouth, who was thought to have some bias towards the opposition in England, and to be no friend to Lauderdale, was highly agreeable to all parties. Some of the English nobility demurred to the legality of sending troops into Scotland, and refused

A. D. 1679. refused to accept of commissions ; so that the duke of Monmouth went down post to take possession of his command, and was followed by orders from his father not to treat, but to fight, with the rebels. The latter by this time were somewhat recovered from their fanaticism, and many of them thought they had gone too far. In short, they split among themselves ; and the moderate party drew up a declaration, under the name of " the oppressed protestants, now in arms in Scotland." This declaration is artfully worded, and mentions lord Macdonald, a profest papist, who had invaded Argyle's estate, as one of the causes of their rising.

That nobleman had been created by Charles ; and though very little mention is made of him in the Scotch history, he appears to have had a great following in the Highlands, and to have continued in arms during all the time of the usurpation. He was, on account of his religion, little employed by the king, but devoted to the interest of the duke of York ; and being at perpetual variance with the Argyle family, who remained unconcerned spectators of the public commotions, he had attacked that nobleman with a considerable force upon the first breaking out of the rebellion. The enthusiasts among the rebels disclaimed this declaration as timid and time-serving. They treated the indulged ministers, and all who seemed

seemed to favour moderation, as traitors to their cause; upon which they were deserted by the other party, to the utter ruin of their affairs. The duke of Monmouth, who had left London with favourable ideas of the Scotch presbyterians, was surprized when he received orders not to treat with them; but the caution was almost needless, for Hamilton and his party were averse to any application of that kind. They were now dwindled to less than half their number, and even those remained united only upon the principle of common danger. A majority of them agreed upon a petition to the duke, who, notwithstanding his orders, received a deputation from them with great civility, and some show of affection; for he said he would do his utmost to procure from the king a redress of their grievances, but he would enter upon no treaty, unless they immediately laid down their arms, and threw themselves upon the king's mercy, giving them but half an hour to consider of the proposal.

The rebel army was then encamped on the south side of the Clyde, near Hamilton, and masters of the pass of Bothwell-bridge. Upon the return of the deputies, Hamilton and the enthusiasts disclaimed all they had done; and the half hour being expired, the earl of Linlithgow beat the advanced guard of the rebels, after a smart dispute, from the bridge, and drove them back upon their main body, which

remain-

The rebels
are defeated
at Both-
well-bridge
by the duke
of Mon-
mouth.

A.D. 1679. remained under Hamilton, and had never advanced to defend the pass, as they undoubtedly ought to have done. Mr. Wodrow, who lived at the time, intimates, that Hamilton was deficient in point of courage, as well as conduct. It is certain, that when the royal artillery was brought to play on the main-body of the rebels, Hamilton was among the first who fled, leaving the world (says Mr. Wodrow's correspondent) to debate, whether he acted most like a traitor, coward, or fool. All the horse followed Hamilton in his flight; some of the foot escaped from the field, twelve hundred surrendered themselves without a stroke, about five hundred being killed on the field, besides those who fell in the pursuit. The loss of the royal army did not amount to above four or five soldiers. Thus ended, on the 22d of June, this ill concerted rebellion, through the stupidity and cowardice of its leaders, and their dissensions in their councils of war. The amazing height to which it arrived in less than fourteen days after the archbishop's murder, leaves me no room to doubt, notwithstanding the suggestions of Mr. Wodrow to the contrary, that it was preconcerted both with the disaffected party in England, and the exiled covenanters in Holland; for by the best accounts that have come to my hands, their number on the day of battle amounted to four thousand, great part of whom were horse.

The

The duke of Monmouth, though personally brave, and no mean officer, certainly behaved in an unfoldierly manner; and it is agreed, that if the rebel officers had not been destitute of common sense, his victory must have cost him very dear. The truth is, he did not seem to enjoy it, though he kept close to the letter of his instructions. Several royalist officers were for giving no quarter, and many of the rebels were killed in cold blood; but the general, and some moderate nobility who attended him, soon put a stop to all butcheries of that kind. It was then proposed to burn Glasgow, Hamilton, and other towns in the country, as the nests of rebellion, but more temperate measures prevailed; nor were the soldiers even suffered to plunder the houses of the disaffected, though it was impossible entirely to prevent enormities of that sort. Innumerable however were the finings and forfeitures that followed, and severe proclamations were issued against harbouring the surviving heads of the rebellion. The prisoners were carried to Edinburgh, and the general gave orders, that they should be treated with humanity, especially the wounded. He even ventured to offer a pardon and indemnity to all tenants and subtenants who had been in the late battle, provided they surrendered themselves and their arms in a limited time; but this offer had very

A. D. 1679.

who returns
to London

A. D. 1679 little effect, and on the sixth of July, the general (who in Scotland went under the name of duke of Buccleugh) set out for London. I shall conclude the account of this rebellion by observing, that the rebels were imposed upon by their friends at London, who knew nothing of the second orders that had been sent to the duke, and assured them that he was instructed to treat.

Lauderdale
tried and
acquitted.

Lauderdale obtained great advantages by the breaking out of the late rebellion, which he said justified all his severe measures. The duke of Hamilton, who was favoured by the lords Essex and Halifax, and some other enemies to the popish interest, had impeached him anew at the English council-board, and by the king's desire had reduced the charge against him to writing. The advocate, Sir George Mackenzie, undertook his defence; but his arguments were answered, and refuted with much superior strength of reasoning and knowledge of the law by Lockhart, who appeared on the other side, and proved, to the conviction of the board, that Scotland was more free than England itself; or, in other words, that all the severe acts, both of the parliament and the government, were repugnant to the spirit of her original constitution. Charles, notwithstanding this, kept by his former maxim of protecting a minister whose chief crime was his
advan-

advancing the prerogative; and declared, that Lauderdale had done nothing but by his authority. A.D. 1679.

The first use that the duke of Monmouth made of the credit he had gained by his late victory, was to obtain from his father an indemnity for the rebels, which, though dated the twenty-seventh of July, was not published till the fourteenth of August; and coming through Lauderdale's office, it was clogged with the exceptions of all gentlemen, officers, and preachers. Two ministers were hanged at Edinburgh; two hundred of the prisoners were shipped for Virginia, but perished on the voyage; and none of the rest were discharged, except such as gave bonds for their good behaviour. The general backwardness of the people, notwithstanding all they suffered, to give those bonds, served as a pretext for Graham of Claverhouse, and other officers, continuing in the western counties, and for quartering their soldiers at free cost upon the inhabitants; an oppression which in many places lasted for two years. It is even said, that boys and women were tortured to discover persons who had been in the rebellion, and who had not surrendered themselves. Upon the whole, Lauderdale was now triumphant over all opposition in Scotland, and the heads of it were glad to compound for their own safety. The moderate measures he had been obliged to

Moderate measures take place in Scotland.

A. D. 1679. give way to, were defeated by the obstinacy of the prisoners at Edinburgh, who, though they had suffered inexpressible hardships, still refused to give security for their good behaviour, and fresh cargoes of them were shipped for America. Some public executions followed those of Mr. Kid and Mr. King, the two ministers; and five persons were executed in Magusmuir, as victims to the manes of the late archbishop. Circuit courts of justice were appointed for forfeiting all the landed gentlemen who had been concerned in the late rebellion, and a premium of five hundred pounds sterling was put upon the head of every one of the archbishop's murderers.

State of parties there,

At this time I find that the press was greatly employed by both parties. The royalists endeavoured to prove, that obstinacy and enthusiasm had evidently brought upon the whigs all the hardships they had suffered; and that they were so far from acting upon the principles of civil or religious liberty, that many of their preachers were jesuits or popish priests; a charge for which there was but too much foundation. Mr. Wodrow in part confesses it, though he denies that they preached at field-meetings; and seems to think, that those emissaries were employed by the duke of York to give a handle for enslaving Scotland. The whigs, on the other hand, complained, that their persecution violated every principle of law

law and humanity; and that the king's good intentions in suspending the execution of the laws against the conventicles, were defeated by the arts of Lauderdale and the prelates. It is certain, that some lenity was extended upon this occasion. The ministers only, and others who did not avail themselves of it, were treated as enthusiasts; and obstinate as they were, many of them were indulged with their liberty without laying them under any restraint, but that of appearing when called for. They were, in short, reinstated in all the privileges of their former indulgencies, and suffered to form themselves into synods and public assemblies. We are, however, to look for the sources of all this moderation in England, where the duke of York's enemies were in the administration, and he himself obliged to retire to the continent, to avoid the storm raised against him by the popish plot. It is not my purpose to investigate the secret springs that produced an alteration of measures. It is sufficient to say, that the king fell so dangerously ill at Windsor, that the public was alarmed; and that the duke of Monmouth made a very bad use of the credit he and his party had with his majesty, by making it no secret, that he thought himself presumptive heir to the crown, because his mother had been married to the king*. Whatever may

* Certain writers have laid hold of some expressions in letters of the princess of Orange to her brother the king, in which she calls

A. D. 1679.
and in Eng-
land.

be in this, it is certain, that the king, during the intervals of his illness, by the advice of the earls of Sunderland, Essex, and Halifax, who now managed all his affairs, ordered his brother to be sent for; and he appeared all of a sudden at court, to the inexpressible surprize and consternation of the public, especially of the duke of Monmouth and the earl of Shaftesbury. The city of London was alarmed, and proceeded to very undutiful expressions of their resentment against the duke of York. This completed the disgrace of Monmouth with his father; and he was not only stript of all his commands in the army, but obliged to take out a pardon and retire to Holland. At the same time, the kingdom of Scotland was fixed upon, at the duke of York's own request, for his residence, and the earl of Shaftesbury was dismissed from the council-board.

Whatever later writers may pretend, the duke of York appears to have received from the duke of Monmouth and his party sufficient provocation for rendering him their enemy; and the more sober part of the people of England were of the same opinion. This alteration of affairs in England occasioned the like in Scotland, where fresh severities were inflicted upon the whigs. In November, the

calls one of his mistresses his wife. Those letters are still extant, but the expression proves next to nothing, as it is plainly jocular; nor is it certain, whether it is meant of Monmouth's mother or another woman.

duke

duke of York arrived in Scotland, where he was called duke of Albany and York, and was admitted into the privy-council without taking the oath. Prosecutions were then commenced against those who had not attended the king's army during the late rebellion; and multitudes were fined on that account, or declared fugitives. The late indulgence was countermanded, or explained away, and garrisons appointed anew in the west. The earl of Linlithgow, Graham of Claverhouse, and other officers, were again sent thither, with a thousand foot, and seven troops of horse, who lived at free quarters, on account of a foolish incendiary declaration, which had been published by some wrong-headed ministers at Sanguhair. They had even the temerity once more to draw their disciples into a body; and among them was Rathillet, who had been present at the archbishop's murder. They were attacked and defeated at a place called Air-mos in Kyle, and Rathillet, after an obstinate resistance, was made prisoner. Being carried to Edinburgh, he behaved as an enthusiast, though in the common concerns of life he always appeared to be a sensible worthy gentleman. He refused to acknowledge either the king's authority, or the jurisdiction of the court which tried and condemned him. He was very low in his person, on account of his wounds; and he bore the cutting off his hands,

previous

A. D. 1679.
Duke of
York ar-
rives in
Scotland.

1680.

The whigs
defeated.

A. D. 1680.
Rathillet
executed.

previous to his execution, with astonishing unconcern.

We are now to view the Scotch covenanters in a light very different from what they had hitherto appeared in. Their friends in Holland were a desperate set of enthusiasts, always ready to print and publish the ravings of the party, than which nothing could be more despicable, and sending them missionary preachers, whose civil principles were subversive of all government. Those missionaries formed a seminary of young zealots, who soon broke into a burst of treason and rebellion. One of them, Mr. Richard Cameron, had been killed at the encounter of Air-moss; another, Mr. Donald Cargyll, survived. We shall not enter into the controversy, whether his behaviour was agreeable to the principles of presbyterians; but undoubtedly it was such as justified severity on the part of the government. He excommunicated at Torwood in Stirlingshire, the king, the duke of York, and all the Scotch ministers of state, consigning them into the hands of the devil. Some of his followers being tried and executed, died in a kind of religious frenzy; and though Mr. Wodrow seems to disown their doctrines, yet he is extremely tender of their memory.

Fresh en-
thusiasts
break out.

The violence of the party in England who were for excluding the duke of York from the throne, their indiscreet conduct, and the
similarity

similarity of their principles with those of the Scotch enthusiasts, had rendered the duke of York popular with the Church-of-England party in all the three kingdoms, and had reconciled him entirely with the king. The duke was wise enough to avail himself of those advantages, and he adopted a scheme of lenity and moderation. The truth is, that with regard to religion, episcopists and presbyterians were the same to his royal highness; and as, by this time, he no doubt had formed the desperate system he afterwards pursued, he thought it his interest to make the latter his friends. No fault was found, even by the best friends of liberty, with the executions of the Cargylites and the Cameronians, because they had been offered their lives upon the moderate terms of their acknowledging the king's authority; and before the end of this year, all animosities seemed to be buried in Scotland. The government, in order to prevent armed field conventicles, very wisely indulged the presbyterians in worshipping God after their own way, in their own houses; and the addresses to the king from the council of Scotland resounded with praises of his royal highness. Even the duke of Hamilton and his party, who had been much soured by Lauderdale's ministry, and had formed a strong opposition to the duke, now dropt it; and the plausible objection of his not being qualified

A.D. 1680. according to law, because he had not taken the oaths, was set aside, by the advice of Sir George Lockhart.

The duke of York's mild administration in Scotland.

The king having conquered all opposition without doors in England, recalled his brother to court; and he took leave of the administration in Scotland with the most cordial affection on both sides. He was attended by a loyal address from the council to the king, in which he was represented as the father of that country, and the healer of all its political ailments. The earl of Rothes was still chancellor, and Lauderdale secretary of state for Scotland. The council, to prove how well they were satisfied with the duke of York, and how unwilling they were to come again under Lauderdale's lash, sent another letter to that nobleman, in which, besides other loyal expressions, they broke out into raptures in praise of his royal highness; and desired Lauderdale to assure his majesty, that they would always adhere to his royal brother's just rights. Among the other services done to Scotland by the duke of York, was that of his quieting the highlanders; a step that was quite consistent with his views, and which cost him a considerable sum to their chiefs.

We cannot form a more true idea of the difficulties which the duke of York had to encounter on his first arrival at Edinburgh, than by the reception he met with on account of his

A.D. 1680.

his religion. The burning of the pope in effigy was then first introduced into Scotland, and performed with great spirit by the students of the college, and a number of townsmen, notwithstanding the resistance made both by the civil and military power. This insult, as it was deemed, would have been attended with the most sanguinary measures during the late administration: but though the offenders intrepidly owned their abhorrence of popery, and though the house of the provost, who was their declared enemy, was burnt down during the ferment, yet no punishment, farther than a short slight confinement, and a temporary suspension of the college schools, was inflicted upon the agents. During the duke's absence in England, lord Bageny was prosecuted upon a private pique of the Lauderdale faction, for having abetted the late insurrections, but released by an order from Edinburgh. The earls of Balcarras and Roxburgh, and lord Lorn, were admitted into the privy-council; the earl of Queensberry was made justice-general, and one Mr. Maitland was appointed justice-clerk. Several other arrangements took place, which were by no means favourable to the Lauderdale interest. Towards the end of October, the duke of York returned to Scotland, and the lord-chancellor Rothes was created a duke.

Alterations
in the mi-
nistery.

A. D. 1680.
The duke
of York
opens the
Scotch par-
liament.

The reception of his royal highness in that kingdom was extravagantly loyal ; and upon the meeting of the parliament, the king's letter was produced ; in which it was signified, " That his majesty expected they would not connive at the smallest appearances of those wicked and seditious principles, which (how plausible soever disguised, under the old pretences and fallacious masks of liberty and religion, ever least minded by the most clamorous pretenders to them) yet, in the issue, led to such monstrous effects and rebellious extravagancies, as necessarily tended to the dissolution of all government and order." The chief end of convening this parliament was to secure the succession of the crown to his royal highness. Accordingly, the lords of the articles prepared two acts, which passed : one for ratifying and approving all laws then in being, for the security of the protestant religion, and against popery ; and the other, declaring, " That no difference of religion, nor no act of parliament, made or to be made, could alter or divert the right of succession, or lineal descent of the crown ; or could stop or hinder them in the full, free, and actual administration of the government ; and that it was high treason in any of the subjects of that kingdom, by writing or acting, by word or deed, to endeavour the alteration or suspension of the said right of succession." Those acts were

Its acts,

hurried

hurried through the house without a dissenting vote; and when the duke gave them the royal assent, he declared to the members, "that he did very heartily go along with them in providing for the security of the protestant religion."

The next business of the parliament was to continue the excise, and to vote a new supply for maintaining the army. This was done with wonderful unanimity, and the great men seemed to vie with each other in professions of loyalty, especially as at this time, by the death of the chancellor Rothes, that great post became vacant. An act passed for regulating the inferior courts of regalties, where the owners had all the forfeitures, and the power of life and death. It was proposed to do this by admitting of an appeal to the superior courts; but bishop Burnet says, that the act was penned in such a manner, that all was made to end in a personal appeal to the king, by which he became master of all the justice and property in the kingdom.

Though his royal highness carried every question, yet that was not sufficient for his purpose, unless he humbled two great families, those of Argyle and Lauderdale. He gave way to a charge brought in parliament by one Noble against Halton, for perjury in the case of Mitchel, which I have already mentioned. The matter was so coldly received by the lords
of

A. D. 1686. of the articles, that Halton was encouraged to press for a trial, but by the duke of York's management it was referred to the king. Some complaints were likewise made of subornation of witnesses in the case of lord Bargeny, which might have affected Halton, but were stifled by the duke of York. Halton, however, did not so easily get clear of another accusation brought against him for malversations in the coinage, where he was deputy-treasurer; for he was removed from that post, and fined a thousand pounds sterling. About this time, his brother the duke of Lauderdale, oppressed with years and corpulence, died, and scarcely left a more wicked man or minister behind him.

The test act passed.

The next affair in which the parliament proceeded was, that capital act concerning religion and the test. By this test it was proposed, for all that should be capable of any office in church or state, or of electing, or being elected, members of parliament, that they should adhere firmly to the protestant religion; to which the court party added, the condemning of all resistance in any sort, or under any pretence, the renouncing the covenant, and an obligation to defend all the king's rights and prerogatives; and that they should never meet to treat of any matter, civil or ecclesiastical, but by the king's permission; and never endeavour any alteration in the government in church or state: and they were to swear all this according

ing to the literal sense of the words. Towards the end of this act there was an exception for the king's lawful brothers and sons. A.D. 1687.

The most uninformed reader may easily see, that this act was like Nebuchadnezzar's statue, composed of metal and sand. By the oath which the subjects were to take, the protestant religion was said to be contained in the confession of faith recorded in the first parliament of James the Sixth. That the framers of that confession thought resistance to wicked princes to be a religious duty, cannot be questioned; so that it is incompatible with the succeeding part of the act. It met with great opposition upon its being read. The friends of liberty easily perceived, that the duke had admitted the loose mention that was made of the protestant religion (which might be easily explained away), as a vehicle for the passive obedience clauses, which were clear, firm, and permanent. The lord Belhaven moved for a provision to be made against a popish or a fanatic successor to the crown; but the words had scarcely escaped him, when he was voted to prison, under a charge of high-treason against the late act of succession; nor was he set at liberty till he had acknowledged his fault, and asked pardon upon his knee. The earl of Argyle fatally, though modestly, distinguished himself in this debate. "It was one happiness (said he), that king and people were of one religion by law, and

Behaviour
of the earl
of Argyle.

A. D. 1687. and he hoped the parliament would do nothing to loose what was fast, nor open a gap for the royal family to differ in religion; and therefore wished, if any exception were made, it might be made particular for his royal highness." Upon the commissioner standing up and opposing this proposal, the earl said, "That if this exception did pass, it would do more prejudice to the protestant religion, than all the rest of the act, yea, many acts would do good." All his opposition, however, was in vain; and towards the evening, the act passed by a majority of seven voices. Sir James Dalrymple, the president of the session, a secret friend to the whigs, voted against this act; though he had so great a hand in drawing it up, that the duke of York upbraided him for loading it with the clause about the confession of faith, in order to make the whole mis-carry.

He explains
the test.

His royal highness now thought, that it was high time to ruin the earl of Argyle. He began at first by reviving some old claims upon his estate, and by attempting to deprive him of his hereditary offices. Argyle applied to the earl of Murray, who had succeeded Lauderdale as secretary of state for Scotland, for leave to wait upon the king; but this was refused, and both he and Dalrymple were turned out of their seats in the court of session. The test was offered him, and as several persons

sons of great rank, earl of Queensberry, particularly, had refused to take it without explanation, and even some of the clergy had remonstrated against it, he asked time to deliberate. He obtained leave till the next council-day, and in the mean while, he had some hints of the fate that was awaiting him; but being called upon, he took it in the duke of York's presence, with a declaratory explanation, for which he alledged he had his royal highness's permission, signified to him by the bishop of Edinburgh. The whole of this transaction is one of the most shameful to be met with in history, and the reader, in the adjoining note, will see the earl's explanation *. The court party were under some difficulties how to behave, for the duke at first was so well pleased with the explanation, that after the affair was over he desired the earl to take his seat at the council-board. Several days passed without his royal highness expressing any dislike of the earl; but some whispers ensuing about his explanation, he again went to court, and in con-

* " I have considered the test, and am willing to give obedience so far as I can. I am confident the parliament never intended to impose contrary oaths; and therefore I think no man can explain it but for himself, and reconcile it as it is genuine, and agrees in its own sense. And I take it in so far as it is consistent with itself and the protestant religion. And I declare, I mean not to bind up myself in my station, and in a lawful way to reach and endeavour any alteration I think to the advantage of church or state, and repugnant to the protestant religion and my loyalty; and this I understand as a part of my oath."

A. D. 1681. versation with the duke, whom he found more cold with him than usual, he justified all he had done.

He justifies
his own
conduct.

It is impossible to describe the state of parties in Scotland at this time; even the duke of York declared, that no honest man could take the test. The learned and sensible part of the clergy boldly remonstrated against it, and drew up their reasons with a spirit and learning that does honour to their memory. The chief nobility of both sexes refused it, and it was ridiculed by men of sense, till at last it was given up by all parties as being indefensible. Notwithstanding this, the privy counsellors, in all their numerous addresses to the crown, continued to mention the test as being the bulwark of the state; and it was resolved by the duke of York and his junto to sacrifice the earl of Argyle to their own ambition and avarice. The jurisdictions and immunities of his family were considered as being too powerful for any subject to possess, and his estates were already portioned out among the duke's creatures. His own openness gave them great advantages, for they saw he was resolved not to retract his former explanation. It required, however, great effrontery to bring him to a trial, especially as the duke had more than once signified in public, that he was satisfied with the earl's declaration. At last, he was called upon to take the test as a commissioner of the treasury; and

on pretence of having before *Pronounced it* A. D. 1684 with too low a voice, he was required to read it aloud; which he not only did, but readily signed the paper. After this, he was ordered to surrender himself a prisoner to the castle of Edinburgh; he complied with the requisition, and in a few days had notice of trial before the earl of Queensberry as justice-general, (who had himself taken the test with a reserve,) and the lords of justiciary. The public did not imagine the junto to be in earnest, and thought all that was meant was to extort from the earl his dangerous jurisdictions, and some of his estates; and even the duke of York talked in that strain.

The earl, notwithstanding, was brought to his trial, and Sir George Lockhart was assigned for his counsel. Sir George refused to enter upon so dangerous an office, without the formality of being obliged to do it; and he acquitted himself with amazing abilities. He was seconded by Dalrymple and Stuart, two other eminent lawyers, who had likewise been assigned as counsel for the prisoner. The pleadings on both sides are extant; and those for the crown, though drawn up by Sir George Mackenzie, when compared to those of their antagonists, ought to cover all the advocates for so infamous a proceeding with confusion. Four lords, besides the justice-general, sat upon the bench. The trial continued from nine in

*Trial and
condemnation
of the
earl of
Argyle.*

A. D. 1681. the morning till nine at night ; and the court being dismissed, the judges shut themselves up, to give their opinion as to the relevancy of the libel, by which the cause was to be determined. Two of the judges, the lord Collington, who was an old royalist, and the lord Kirkhouse, declared against the relevancy of the libel in favour of the prisoner. The two others, the lords Newton and Forret, declared for the relevancy ; and thus it rested upon the justice-general to give the casting vote. The affair was delicate, and disagreeable to his lordship ; and it was proposed to ease him, by sending for a fifth lord, the lord Nairn, who was so superannuated, that he had not attended the trial, and was then in bed. The old man, however, was brought into court, and without hesitation gave his opinion for the relevancy. Nothing then remained for the crown-lawyers, but to produce before the jury the earl's own explanation of the test ; upon which he was capitally convicted of treason, leasing-making, and leasing-telling. The earl employed a speedy messenger to the king, who arrived at court before the express sent by the council reached London ; and the earl, upon the return of the messenger, having the strongest reason to believe both from what the king said, and from the preparations that were making at Edinburgh, that sentence of death would be passed and executed upon him, made his escape out of prison ;

prison; and after a hazardous journey, (the roads being beset, and a large reward laid upon his head) he was conducted safe by two honest presbyterian friends to London, in disguise. His escape being known, the justiciary court met; and though his countess petitioned that no sentence might pass against him in his absence, yet her request was over-ruled; and he was condemned to lose his life, honours, and estate, contrary to all the known laws of the kingdom.

Though Charles did not chuse to check those horrid proceedings, which took place both in Scotland and England after the bill of exclusion was thrown out of the English parliament, yet he was involved with so much disagreeable business, and so many difficulties, that he would have been glad to have made use of all the strength of his prerogative in bringing his affairs to a state of tranquillity. He sent the lord Hyde, upon the rising of the Scotch parliament, to acquaint his brother, the duke of York, how necessary it was for his quiet, and that of the kingdom, that he should return to the church of England. Hyde probably found the duke intractable, for the message had no effect; and he applied to the king for leave to wait upon his majesty at Newmarket. It must be acknowledged that he had managed matters in Scotland with unusual dexterity, owing chiefly to the dissimulation which

A. D. 1681.

State of
Scotland.

A.D. 1681. which was taught him by his priests, and which, at first, gave the public an opinion of his moderation. As it was known that he understood commerce and navigation, he proposed many plausible schemes for the improvement of trade and manufactures, which had gained him some degree of popularity with the mercantile part of the nation. There is reason to believe, that many of them would have taken place, if he had had an opportunity of carrying them into execution; but he was at this time wholly engrossed in securing the lawless power he had obtained. The constitution of Scotland was now, in a manner, unhinged.

2682. About twenty of the chief nobility and gentry, with the duke of Hamilton at their head, had refused to take the test, by which all their hereditary offices came to the crown, as did the livings of the clergymen who had the smallest sense of religion or their duty. Even the papists were among the number of recusants, with the approbation of the duke of York himself. Means, however, were found to soften their penalties, either by admitting their own explanations, or by placing their offices in the hands of trustees. I know of no Scotch bishops who refused this detestable oath; for they seem to have devoted themselves to the duke of York's will, and to have been the great instruments of his severities. They were so inflexible, that a few of their clergy complied,

plied, and accepted of new presentations. The A. D. 1682.
duke and the council sent up to court a list of all the vacant jurisdictions and hereditary offices which had fallen by recusancies into his majesty's hands, with the names of the noblemen and others whom they recommended to fill them, who were all of them approved of.

While the duke of York was behaving thus despotically in Scotland, a number of malecontents, the relicts of the old covenanters and Calvinists, assembled at Lanerk, where they published a treasonable declaration against the test, and all the other proceedings of government. The magistrates of Lanerk were fined six thousand marks Scots, for not opposing the insurgents; and I find about the same time, that the lords of the privy-council, and magistrates of Edinburgh, amused themselves in burning once more, with great formality, the solemn league and covenant, and other rebellious papers. The parliament was prorogued from day to day; and from the beginning of May a new arrangement was declared by his royal highness in the offices of state. Gordon of Haddo lord-president, and afterwards earl of Aberdeen, was made chancellor. He was the Jefferies of Scotland, and had been always a convenient tool of despotism. The marquis of Queensberry was appointed treasurer, to make way for the earl of Perth, a severe papist, to be justice-general. Several new coun-
sellors

Proceed-
ings of the
government
there.

A.D. 1622. fellows were created; and the duke of Hamilton, who always meant well to liberty, but had not courage sufficient to suffer in that cause, took the test, and was restored to all his hereditary offices and jurisdictions. The earl of Middleton, son to the commissioner, a protestant, the only man of sense and virtue in the duke's party, was made joint secretary of state with the earl of Murray, by way of atonement for his father's sufferings from the Lauderdaleian faction, which was now in disgrace. Though the fact may seem to be a little too ludicrous, yet I mention it to show the credulous complexion of the duke's loyal administration; for it appears from the public records, that the king wrote a letter to the council on the fifth of March, importing, "That don Restaino Cantellino, a person of eminent trust under the king of Spain, and brother to the duke de Populi, in the kingdom of Naples, had given him a representation, that these two brothers had good evidences to produce; that their family was descended from the royal family in Scotland, for a continued course of pedigree, from about three hundred and thirty years before the Incarnation to this day, and desiring the proofs and account of their descent may be entered in the proper public records in Scotland, and an authentic extract granted him in the most solemn manner." The king requires the same be done in ordinary form, that
it

it may be presented to the next parliament, and allowed by them. A. D. 1682.

All this while prosecutions were going on against the non-conformists. Some of the most enthusiastic of them were put to death, which served only to encrease the party. A resolution, therefore, was taken to send them as recruits to the prince of Orange's army in Flanders, or as convicts to people Carolina, and other British dominions in America. We know of no opposition made to those barbarous proceedings; but, in reality, the friends of liberty in England began to throw their eyes towards the Scotch dissenters, in case the progress of despotism and the principles of self-preservation should force them to take arms. The sufferings of the Scotch presbyterians induced some of their heads to form a scheme, in imitation of their English brethren in the reigns of James and Charles the first, for settling in the wilds of America; and the unpeopled state of Carolina seemed favourable for that purpose. It has generally been thought, that this plan was only a blind for the discontented, under that pretext, to meet with their friends in England; and undoubtedly it partly served for that purpose. Mr. Wodrow, however, has given us undoubted evidence that the scheme was real, and that he saw the original bond, bearing, in the body of it, "a contract betwixt Sir John Cochran and Sir George Campbell,

Project for
peopling
Carolina.

A. D. 1682. and the lords proprietors of Carolina, for a county consisting of thirty-two square plats, each of which consisted of twelve thousand acres, at a penny per acre quit-rent; with clauses, needless here to be resumed, and an obligation of the undertakers to advance ten pounds sterling each to Sir Robert Baird, cash-keeper, before the first of October 1682, for each hundred acres, and other ten pounds sterling, if need be, for charges; with a clause of renunciation to the undertakers, from Sir John Cochran and Sir George Campbell, and the ordinary clause of registration and procuratory." The subscribers are about thirty-six, Callender, Cardross, Haddington, Yester, P. Hume of Polwarth, Archibald Cockburn, Archibald Douglas, George Lockhart, Alexander Gilmour, and others.

Farther
verities and
executions.

The duke of York, according to his request, was permitted to wait upon his brother at Newmarket; and having left Scotland entirely under the power of his own creatures, who had the army at their devotion, he gave Charles such plausible accounts of his conduct as merited his approbation. He was attended by Paterfon, bishop of Edinburgh, and some other tools of the court, who presented a letter commending the duke's government in the most fulsome terms. His royal highness having left his duchess in Scotland, went down in May, by sea, to carry her to England. The Gloucester

cester frigate, in which he failed, struck on a bank of sand, and the duke was forced to betake himself to the long-boat. If we are to believe bishop Burnet, he there took care of his dogs and some unknown persons, who were believed to be priests, and the long-boat went off with very few in her, though she might have carried above eighty more than she did. This is one of the most exceptionable passages in the bishop's History of his Own Times, as the fact is not only contradicted by contemporary historians, but by the dimensions of the barge in which the duke was saved. It is true, the earl of Roxburgh, Mr. Hyde, the duke's brother-in-law, the laird of Hopton, Sir Joseph Douglas, and the lord Obrian, with some other gentlemen, were drowned; but it is generally thought, that the barge was fully loaded: and as the duke went on board the Mary yacht, it was not impossible but it might return and take up the remainder of the passengers. The duke's stay in Scotland was but short; and before he left it, he delivered to the council a more enlarged plan of oppression and tyranny upon the unhappy dissidents, than ever had been practised before. It had a retrospect to all offences that had been committed since the year 1666, and the execution of it was left to the officers of the army, even so low as a serjeant. Those oppressions were chiefly confined to the western counties; where

A. D. 1682.

A. D. 1682. even women with sucking children at their breasts were imprisoned; and it was rendered criminal in the fathers to shelter their sons, though not exceeding fifteen or sixteen years of age. Mr. Wodrow has given us many instances of those barbarities, too well attested to be denied. Transportation to Jamaica or America, as slaves, was the mildest lot of the sufferers; and some persons of very great figure, particularly the earl of Loudon, the lord Strathnaver (afterwards earl of Sutherland), and Dalrymple, who was created earl of Stair, were obliged to shelter themselves from the storm, by leaving the country. It is not to be denied, that many of those unhappy persons, some of whom suffered capitally, were dangerous enthusiasts; but most of them were ignorant, inoffensive, people, and were exasperated chiefly by persecution; while others of them really wished the person of the king no harm, but had been persuaded by their desperate preachers, that by saying "God save the king" they were guilty of idolatry, because the king, by declaring himself the head of the church, had dethroned Jesus Christ.

Sufferings
of the west
country.

The trial and execution of a gentleman of the name of Hume, even after acquittal, and though no overt act of treason was proved against him, made a great noise, and occasioned many enemies to the government. One Weir of Blakewood underwent a like sentence, and
upon

upon as slender evidencé; but he obtained a reprieve, through the interest of the marquis of Douglas. Those cruelties struck the greatest part of the subjects in Scotland with the deepest concern and horror. No man was safe from informations and from conviction, be he ever so innocent, if obnoxious to the court; and the persecution was far from being abated during the year 1683. New commissions were issued for levying fines and forfeitures, which tended, in so narrow a country, to unhinge all private property. Husbands were obliged to produce their wives, and to be answerable for their fines, even though they themselves were fined likewise. Parents were rendered accountable for their children keeping the church, after they were seven years of age. One Andrew Herron of Kerrochtree rendered himself liable to the pains of death, for keeping company with his second son; but because he voluntarily confessed his offence to the lord high-treasurer, the chancellor interceded with his majesty for mercy. Three officers of the army, Claverhouse, Meldrum, and major White, had arbitrary powers vested in them for harrassing the poor people, which they are said to have executed with unremitting barbarity; and indeed, so far as I can perceive, the history of those and the like severities chiefly form that of Scotland at this time.

A. D. 1684.

1683.

A.D. 1683. to believe that some measures dangerous for the government were in agitation; yet they were greatly magnified, in order to destroy the credit which the popish plot had met with in England. Ferguson was a dangerous man, and of a peculiar character. Without any depth of judgment, or indeed any knowledge of managing a conspiracy, he was the author, or rather the discoverer, of many; and often betrayed to the government what he knew of his confederates; and, at the same time, advised the minister of state to put a reward on his own head as an accomplice in the treason. His pen and parts were equally despicable, as appears by the publications he has left, which are as little to be depended upon as the informations he gave to the government. He sunk at last into contempt and poverty; but when at the lowest ebb he still endeavoured to make himself of importance, by pretending that he was a far more dangerous man than he really was. Jenkins, who was the abject tory secretary of state in England, ordered the messenger, when he delivered his warrant against Ferguson, by all means to take no notice of him, if he should meet him; but a letter was dispatched to the privy-council in Scotland for searching all ships, and seizing all Englishmen there, who could not prove that they were traitors. A declaration was published by authority in England, expressly charging the earl of Argyle, the lord Melvil, Sir John Cochran,

Cochran, Mr. John Carstairs, and others who were not taken, for being concerned in the plot; and a thanksgiving-day was celebrated in Scotland for its discovery and defeat. A. D. 1683.

The bulk of the people in England, at this time, were prone to slavery, occasioned partly by the indiscretion and zeal of those who pretended to be friends to liberty. No fewer than eight Scotch performances, by the infamous Oxford decree which enforced the doctrine of absolute submission to kings, were ordered to the flames. These were, Buchanan *De Jure Regni*, Knox's *History*, Calderwood's *Altare Damascenum*, Rutherford's *Lex Rex*, *Nepthali*, the *Apologetical Relation*, the *History of the Indulgence*, and, to crown all, the *Solemn League and Covenant*. It was no wonder, while such a political frenzy raged in England, where all efforts for liberty were crushed, if the despotic council in Scotland exercised their powers to the full. Spence was tortured in the boots in the most excruciating manner, but confessed nothing till other tortures were increased; particularly that of keeping him from sleep for eight or nine days and nights, till nature gave way so far that he agreed, provided he was not obliged to be a witness against any person, and received a pardon for himself, to discover who the earl of Argyle's correspondents were; but this was no more than had been discovered before by other means. Mr.

The infamous Oxford decree.

Vol. X. G g William

A.D. 1683. William Carstairs was next tortured; but all he discovered was, that Ferguson had hinted to him a design of assassinating the king and the duke of York, to which he (Carstairs) would not consent. Upon the whole, the plot turned out to be no better than a chaos of matter; and of all the conspirators the earl of Tarras, who was the duke of Monmouth's brother-in-law, Murray of Philiphaugh, and Scot of Gallowhiels, were apprehended. Tarras frankly confessed all he knew; but the great aim of the ministry was to destroy Bailie, who was a man of interest and family, but of a most intrepid spirit. He had suffered so much by the barbarity of his imprisonment, that it was thought he could not live to be tried.

1684.
Bailie's last
words.

The evidence against Bailie must have been defective, had not Tarras, Monro, and others, who were engaged in the same party, confessed all they knew. The proof against him sufficiently evinced the reality of a plot, and an intended insurrection; but all the proceedings were illegal and arbitrary; nor can a free-born subject, at this day, condemn measures that could be taken by Scotchmen to deliver their country from the thralldom which she then suffered. This being premised, I shall refer the particulars of this dark conspiracy to bishop Burnet and the English historians. The particulars are both uncertain and immaterial. Bailie was tried and condemned, and his execution

A. D. 1684.

cution was barbarously hastened, lest he should have died a natural death. In the paper he left behind him, he declared himself a presbyterian, but that he never was conscious of any conspiracy against the life of the king, or the duke of York, or even for the subversion of the government; and that all he intended was "the preservation of the protestant religion, the safety of his majesty's person, the continuation of our ancient government upon the foundations of justice and righteousness, the redressing of our just grievances by king and parliament, the relieving of the oppressed, and putting a stop to the shedding of blood." I have been the more particular as to this confession of Bailie, who was a worthy, ingenious, man, because I believe it was the political creed of all the friends of liberty in Scotland, who, as appears from unquestionable evidences, never could be brought into the desperate schemes of the English conspirators; and always expressed an abhorrence for erecting the government into a commonwealth.

Upon the defeat of this conspiracy (if an attempt to restore Scotland to the first principles of her constitution can be termed such) the members of the council there grew so wanton in their exercise of power, that they seem to have lost their senses. New orders were issued to much the same purpose as those already subsisting, for fining, banishing, or executing pres-

Case of
Porterfield,

A. D. 1684. byterians ; but still with an eye of extorting money from the delinquents. In some towns gibbets were erected in the market-place for intimidating people into paying exorbitant fines ; and all men and women who would not purge themselves by oath, upon whatsoever questions were put to them, were liable to be amerced according to the discretion of the commissioners. They were impowered to hang every person upon the spot, who did not precisely, without the least qualification, answer the following question, “ Do you own the king’s authority or not ? ” I am sorry to say that several of the nobility, and others, who afterwards pretended to be the friends of liberty, were but too forward in those inhuman practices. All that can be urged in their excuse is, that the least shew of moderation might have rendered them suspected. To give the reader some idea of the temper of the times, I shall here lay before him “ a query proposed by his majesty’s advocate to the lords of council and session, by command of the secret committee.

“ It being treason by the common law and ours, to supply and comfort declared traitors, and it being treason by our law to conceal treason :

“ Quæritur, Whether Sir John Cochran, having asked of Porterfield of Douchal, who was not related to the earl of Argyle, the sum of fifty pounds sterling for the said earl’s use, being

being a declared and notour traitor; and Douchal not having revealed the same to his majesty, or his officers, whereby the prejudice that might have followed thereupon might have been prevented; is not the foresaid concealing, and not revealing, treason?

“The lords of council and session having considered the “facti species” proposed in the foresaid query, it is their judgment, that the concealing, and not revealing in the case foresaid, is treason.”

This inhuman opinion was signed by the chancellor Perth, and fifteen lords of the session. The reader may easily conclude, that Porterfield received sentence of death as a traitor; and I perceive that the earl of Melfort, who was brother to the chancellor, and had for some time acted as secretary of state for Scotland, had a gift of his personal and heritable estate. Porterfield was not indeed executed, but he was obliged to buy his life from Melfort with a very large sum of money, half of which was paid down; the sentence being so infamous, that even Mackenzie, the king’s advocate, was ashamed of it, and used to call Porterfield lord Melfort’s martyr. I have selected this case only as a specimen of other persecutions, equally cruel, that happened about the same time, the recital of which would fill a large volume. In short, the character of the juncture is well drawn by one of Mr. Wodrow’s friends,

who is
condemned
but not ex-
ecuted.

A. D. 1684. friends, who was then alive. " This (said he) is a time when stretches of obsolete laws, knights of the post, half or no probation, malicious informers, scandalous rogues, and miscreants, were the government's tools, to ruin men of estates, honour and principle."

The vast multitude of convictions upon the slightest grounds, all which were turned into fines, are sufficient proofs of the poverty of the Scotch nobility, who were the most active in those proceedings. The fines generally fell upon noblemen and gentlemen of large estates, for the use of court tools or favourites; and I think myself unfortunate in being detained longer on the cruelties inflicted upon the lower people, whose purses could not redeem their sufferings."

A massacre
of the pres-
byterians
resolved on,

The presbyterian preachers were now upon various pretexts, either deprived, imprisoned, or banished. The gentlemen of their persuasion were either in confinement for alledged crimes, or till their fines were discharged. Thus, the common people being destitute of all direction, formed themselves into what they call Societies, especially in the west; and reviving all Cargyll's doctrines, published several treasonable papers. Numbers of prisoners on this account were brought before the council at Edinburgh, where some of them were tortured, and some executed; while, in revenge, the insurgents put two of the king's
life-

life guard men to death. This gave rise to the following proceeding in council, which is extracted from its registers, and I hope will fully justify my unwillingness to dwell longer than is absolutely necessary on so barbarous a period. A.D. 1684.

“ It being put to the vote in council, whether or not any person, who owns, or does not disown the late traitorous declaration upon oath, whether they have arms or not, should be immediately killed before two witnesses, and the person or persons who are to have instructions from the council for that effect? Carried in the affirmative.

“ The lords of his majesty’s privy-council do hereby ordain any person, who owns, or will not disown the late treasonable declaration upon oath, whether they have arms or not, to be immediately put to death; this being always done in presence of two witnesses, and the person or persons having commission from the council for that effect.”

A form of abjuration, which suspected persons were to pronounce, in order to save themselves from this massacre, was drawn up, and approved of by the council; and lieutenant-general Drummond, with proper assistants, was appointed to be the chief executioner. The reader will scarcely expect, that I should give a detail of the numbers shot in cold blood in the fields, or executed upon gibbets in consequence of those warrants. One of the principal agents in

A. D. 1684.
and execu-
tion.

in those murders was, according to Mr. Wodrow, Graham of Claverhouse, who, among other inhumanities, is said to have shot four poor unarmed countrymen in one day, and to have hanged two. There is reason however to believe, that many of those barbarities were committed without that officer's knowledge; and sometimes the whigs had the spirit to rise in parties, and rescue their fellow-victims from the foldiers, who were leading them to execution, as happened to be the case at Enterkinpath. The triumphs of the government were not confined to religion, or alledged treason. After Melfort was made secretary of state, the sheriffs of counties were by act of the privy-council ordered to administer the test to all voters at county elections, and to chuse other members in the room of those who were under citations for treason. The pretended penalties which hung over the heads of burghs, put their elections for burgessees entirely into the hands of the court, and then the ensuing parliament which was summoned, when met, must consist almost entirely of the duke of York's creatures; for no person, be he ever so innocent, could exempt himself from an arbitrary citation for treason. We accordingly find processes of forfeiture brought previous to the meeting of parliament, against many of the worthiest and most respectable gentlemen in Scotland.

Wodrow.

The

A. D. 1685.
The king
resolves up-
on new
measures.

The bishops and clergy of that kingdom continued to ply Charles with the most fulsome accounts of the happiness of their country under the duke of York's administration, and the middling ranks of the English were smitten with the fever of loyalty. These appearances, however, did not impose upon the king, who had so much good sense as to know that they were over violent to be permanent. He admitted to his familiarity, though not into his councils, many persons who had clear and sound notions of liberty, and the hints he received from them sunk deep into his mind. He was too indolent to adopt any steady resolution at once; and if he had any principle, it was that of fraternal love: but even that, had he lived longer, would have proved too weak for his indolence. While he gave way to the duke of Monmouth's disgrace and humiliation, he privately saw him; and while he seemed to be entirely under the duke of York's power, he told his royal highness it was necessary for his business that he should go back to Scotland, and open a parliament there. It is matter of speculation what course Charles intended to pursue, had he lived; but it is generally agreed, that some signal revolution would have taken place in the government, if not in the succession. Some have gone so far as to pretend, that he discovered certain desperate designs against his life, in which the duke of York was involved by the jesuits, because

A.D. 1685. he would not declare for a toleration of popery. Others imagine that he would have owned his marriage with Mrs. Walters, mother to the duke of Monmouth. These are not very probable conjectures; and I am inclined to believe, that he intended to new-model the exclusion-bill, and to have employed his credit with the English tories to have rendered it agreeable to the whole nation, the violent papists (who were but an inconsiderable party) excepted. While those matters were under deliberation, and while the people of England were laying their laws and liberties at the king's feet, the new administration in Scotland split among themselves.

A division
in the Scotch
ministry.

Ever since the condemnation of Porterfield, juries in Scotland had been more backward than formerly in condemning prisoners against law and evidence; and the ministry began to be divided in itself. Lord Queensberry, though sufficiently devoted to the court, took it amiss that the chancellor, lord Aberdeen, held a private correspondence with the duke of York, by which he sent him whatever papers were proper to be signed by the king for the government of Scotland, on pretence of their having been concerted and approved of by his majesty's friends in that kingdom. Queensberry was a man of great eminence and interest; but Aberdeen had none but what he acquired from his intemperate zeal and fervility, and the countenance

nance he received from the duke of Gordon. A. D. 1685. Add to this, that the former was far superior in genius, and soon convinced the duke of York how much he had been imposed upon by Aberdeen. The question about fining husbands for the misbehaviour of their wives, in going to conventicles, was still open ; and Aberdeen finding his credit decrease, took the popular side of the question, by doubting whether the husband was liable for the wife, as no mention was made of her in the act. The question was of far greater importance than it seemed at first. The inhumanities practised by the soldiers, under the sanction of the prelates and their patrons, had frightened almost all the women of rank in Scotland from the established service ; and as the fines imposed upon their delinquency were arbitrary, and would not only encrease the revenue, but bring the estates of their husbands to the mercy of the government, Queensberry as treasurer, and all the popish party, were on the indelicate side of the question. The matter at last was referred to the king, who, by the instigation of the duke, decided against the ladies. Lord Aberdeen, upon this, was dismissed from the chancellorship, which was given to the earl of Perth.

This compliance in Charles was intended to soften his brother, whom he was fully determined to send to Scotland, and to form a new administration. The duke remonstrated

A. D. 1685. against that step, and shewed the situation of Scotland to be such, that the king might lose, ut never could gain, by calling a parliament in that kingdom. The answer of Charles was, "Brother, either you must go or I;" and without explaining himself farther, he treated the duke ever after with unusual reserve. Lord Perth, to shew how well qualified he was to spare both the king and the duke the trouble of governing Scotland, redoubled the persecutions of the protestant dissidents there, and encouraged the practice of torture more than ever. This inhuman operation was always performed in presence of the privy-council; the members of which generally made pretences for absenting themselves on such occasions. The duke of York, while in Scotland, had always attended the writhings and contortions of the unhappy delinquents; and in this he was imitated by the earl of Perth, as if cruelty had been entailed upon popery; for the earl in other respects was a good natured man. Tortures were now multiplied, and varied as the chancellor pleased, against all former practice in that country. It was no new thing to question persons whether they would take the test; and, upon their declining it, to hang them in an hour after. While those inhuman proceedings were going forwards in Scotland, and every thing was getting ready for the duke's journey to that country, the king died on the 6th

6th of February, of somewhat that had the appearance of an apoplexy. Many conjectures and arguments have been offered to prove that his death was not natural; and indeed there are plausible reasons for that opinion. I do not, however, believe that his brother had the least concern in the affair. The society of jesuits, who then governed the councils of France and Spain, were a body of men whose ways were past finding out, whose designs were inscrutable, their secrets impenetrable, and their interests separate from those of all princes and communities, and even the pope himself. They might have been interested in precipitating the accession of their favourite the duke of York, by removing his brother, and yet the duke perfectly innocent of the guilt.

Character
of the jesuits.

The duke of York, now James the seventh king of Scotland, and second of England, mounted the throne of both kingdoms with great advantages. He reaped the benefit of all his brother's popularity, which, at the time of his death, was greater than that of any English monarch since the days of queen Elizabeth; and in Scotland the discontented were doubly over-awed by a despotic privy-council, and a numerous standing army. It has not been sufficiently attended to by historians, that James never took the coronation oath, nor received the crown of Scotland, which gives occasion for Wodrow very properly to question whether

Accession of
James the
Seventh.

he

A. D. 1685. he ever was lawful king of Scotland, as he certainly was the first prince that ever swayed that sceptre, without going through those ceremonies. How far the subjects who had taken the test, and conformed themselves to other acts of government, were obliged to obey him, falls not within the province of history to discuss; nor whether a king of Scotland is not such to all intents and purposes, without taking the coronation oath. The whole foregoing history, however, shews that the taking it was always thought to be an indispensable duty in the monarch; and indeed the reciprocity of obedience, and protection, seems to require it.

First acts of
his govern-
ment.

It is well known that James, upon his accession, in a solemn declaration, promised to preserve the government of England, both in church and state, as they were then established by law. Those repeated assurances at first stumbled even the court of France; and when he went publickly to the chapel, it was pretended that the private exercise of the king's own religion, was not inconsistent with his oath to protect that of the Church of England. The proclamation arriving from London, it was found to include an oath of supremacy and allegiance; and it was remarked, that the chancellor's name stood in it before that of the archbishop of St. Andrew's. It mentions the king as the only righteous sovereign over all persons, and in all causes, as holding his imperial

perial crown from God alone. This proclamation was signed by twenty-six privy-counselors, among whom I find the names of several who, but a few years after, were the most forward instruments of the Revolution. All officers were continued in places of power and trust till farther orders; but a special injunction was sent from London to have a watchful eye upon all persons who arrived in Scotland from the continent. An indemnity was published about the same time, but, as usual, greatly clogged and confined to persons who were not landholders in some respect or other; and all fugitives were obliged either to take the oath of allegiance, or to agree to their own banishment.

In other respects the government went on in its usual train. The exercise of military violences was still continued; and numbers were transported to America. New punishments were devised for the lower sort. The women were whipped, and severely branded with hot irons. The men had one of their ears cut off, and were branded likewise, even previous to their transportation. Above two hundred of those convicts were sent as slaves to Jamaica, or the continent of America, at one time; and the number of the sufferers, upon the whole, was prodigious. The earl of Tarras was tried and convicted upon his own confession, for being concerned in the conspiracy with the duke of Monmouth

Fresh cruelties of the administration and soldiery.

A.D. 1685. mouth and the earl of Argyle. He seems to have been a soft man, and his life was pardoned by the king. Three other gentlemen of a different cast gave greater uneasiness to the government. These were, Sir Patrick Hume of Polwarth, whom I have already mentioned; Pringle of Torwoodlee; and the famous Fletcher of Salton. All of them were then in Holland; but they were declared fugitives, and their effects were seized for the king's use. Other gentlemen of considerable rank were declared fugitives at the same time, and their personal estates sequestrated, for being concerned in the above-mentioned conspiracy for murdering his majesty, and his brother the late king Charles. After being declared fugitives, all of them were tried in their absence, and condemned to suffer death. Some of these gentlemen, besides those I have already particularized, were the brightest ornaments of their country, for the knowledge of her laws and constitution. Among them were Sir James Dalrymple, afterwards earl of Stair, Sir James Stuart afterwards king's advocate, and Sir Gilbert Elliot of Minto, a lord of justiciary and session in the succeeding reigns.

They drown
two wo-
men,

The accession of James to the crown, notwithstanding his indemnity, seemed to give fresh fuel to the flames of persecution. It was common for the officers of the army to pistol or hang the unhappy prisoners who fell into
their

their hands on the highways. Mr. Wodrow, from whom I take these particulars, and who writes from the best authorities that could be obtained at the time, and generally appeals to the records of the council, or courts of justice, mentions two women, or rather girls, Margaret Wilson and her sister Agnes. who were condemned to death for nonconformity; and it was with difficulty that their father procured the deliverance of the youngest from prison, by giving a bond of a hundred pounds sterling to present her when called. Margaret was afterwards apprehended and imprisoned, and with another woman suffered death, by being tied to stakes fixed within the flood-mark, in the water of Badenoch near Wigtoun. Wilson was not above eighteen years of age when she was executed; and Mr. Wodrow very candidly gives his reasons for thinking, that their inhuman murders happened against the intention of the government, through the zeal and cruelty of their judges at Wigtoun.

The duke of Monmouth, the earl of Argyle, and other exiles both from Scotland and England, had taken refuge in Holland. Many rich individuals wished well to their cause; and great matters were expected from the prince of Orange, whose ruling passion was a hatred of the French, with whom his father-in-law was now connected, though he affected an equality with Lewis the Fourteenth. I am of opinion,

A. D. 1685. that the great outlines of the Revolution, which afterwards took place, had been marked out towards the end of the late reign, though the whole scheme was an impenetrable secret. This being the case, the unfortunate fates both of Monmouth and Argyle are easily accounted for, because their views clashed with those of the prince of Orange. Other causes, no doubt, co-operated. The earl of Argyle's sufferings rendered him next to an enthusiast for revenge : he was incessantly importuning the duke, and the other English exiles, for money to buy arms and ammunition ; pretending, that as soon as he should set his foot in Scotland, five thousand of his own tenants, and all the western counties, would join him. He was almost single in his own opinion, and put himself upon a footing with the duke of Monmouth, especially after he had received from a rich zealous widow of Amsterdam ten thousand pounds sterling, with which he bought arms and ammunition. When these were safely put on board, he was inexpressibly impatient to sail for Scotland, notwithstanding the remonstrances of the duke of Monmouth, Fletcher of Salton, and the wisest of his friends.

State of
Argyle's
affairs in
Holland.

The Scotch
parliament
meets,

The prince of Orange was, at this time, in no condition to oppose the will of his father-in-law, who required that the duke of Monmouth should be dismissed out of Holland. All he
could

could do was but just barely to save his honour, by privately informing the duke of his danger, and sending him some money to support him at Brussels. The English ministry had so good intelligence, that though the earl of Argyle's friends were inviolably secret, and tho' his arms and ammunition had been put on board ships on pretence they were bound for Venice, yet his departure was known in England in less than two days after he had sailed. The Scotch parliament sat down at Edinburgh on the 28th of April, the duke of Queensberry acting as lord high-commissioner, and the earl of Perth as chancellor. The king's letter to the members was penned in a very high strain of despotism; for he told them, that "the aggrandizing his power and authority was necessary for their safety." Some hints were likewise thrown out of the intended dispensing power, and the commissioner's speech railed against the nonconformers, whom he represented as no despicable party. The speech of the chancellor ran in a still more virulent strain. One of their first acts was conceived in the following laconic terms: "Our sovereign lord, with consent of his estates in parliament convened, ratifies and confirms all the acts and statutes formerly past for the security, liberty, and freedom of the true church of God, and the protestant religion, presently professed within this kingdom, in their whole strength and tenor, as

A. D. 1685. if they were here particularly set down and expressed."

its proceedings,

The duke of Queensberry was against attempting any alteration of the established religion of Scotland, but offered to do his best to get the revenue settled, and to procure such laws as might be most conducive to their common safety. The chancellor, who was a determined, but secret, papist, was not so explicit on the point of religion; but the king, whose conscience no doubt was made easy by his priests, gave the most frank assurances, that he intended no alterations in the established church. When the probability of Argyle's invasion was known, a proclamation was published for putting the kingdom in a posture of defence; and it was made high treason for the subjects to write in defence of the solemn league and covenant, or to own them as lawful and obligatory upon themselves or others. The rest of the acts of this parliament were of the same complexion, all tending to raise the prerogative. Sentences of forfeiture and death again passed upon the earl of Argyle and all his adherents; and, in short, nothing was omitted that the most ingenious zeal could invent for the ruin of all who wished well to that unhappy country.

Argyle's preparations, designs,

The friends of the earl of Argyle excuse his precipitancy, and lay the blame of his miscarriage, in a great measure, upon the duke of Monmouth

A. D. 1625

Monmouth failing in his promise of not remaining above ten days after him in Holland; for he delayed his expedition to England for a month. As the English historians are very uninformed with regard to Argyle's conduct, it is proper here to observe, that the principles of his invasion are pretty dark; and all we gather from what has come to our hands is, that his friends gave the king no other title than that of James duke of Albany and York; that they formed themselves into a council for the management of their undertaking; and that they chose and appointed Archibald earl of Argyle their captain-general, with as full and ample powers as any captain-general is ordinarily in use to have from any free state in Europe. Those expressions, which are taken from the journals of their own proceedings, leave it doubtful, whether they intended to raise Argyle to the throne, or to turn the government of Scotland into a republic. Perhaps that part of their plan was not settled, and all they agreed upon when they set sail was, to overthrow the established government; for I cannot imagine, whatever they might pretend, that they had made any express promises that the duke of Monmouth should be king.

Wedrow,

The government of Scotland had early and exact intelligence, and full time to prepare for the reception of Argyle. He and his few friends landed at a place called Tobermore, in the isle of

and invasion.

A. D. 1685. of Mull, from whence they went over to Kintyre, and the earl's estates. Their declaration, which is drawn up by Stuart, contained a most frightful picture of the late and present reigns, but without hinting at their future form of government if they should succeed. It appears, however, that the invaders were too sanguine, and that the vigorous measures of the government had intimidated their partizans; for the appearance of the earl's army, after landing, was but despicable. He was joined indeed by Sir Duncan Campbel of Auchinbreck, with eight hundred men, and about four hundred more resorted to his standard; but he tarried too long in Kintyre, on pretence of waiting to hear that the duke of Monmouth was landed in England. The whole of his army did not amount to above fifteen hundred men, who were divided into three regiments, and Sir John Cochran demanded to be sent upon a separate command into Airshire, with a hundred men, and half the arms and ammunition. Those and other distractions and differences which happened among Argyle's followers, ruined his attempt. He was obliged to abandon a promising march to Inverary, and, against his better judgment, Sir John Cochran, colonel Elphinston, and major Fullerton, were ordered to the Lowlands, where it was resolved, in the earl's council, that the great impression should be made. The English fleet were, by this time, lying

The earl of
Argyle's in-
surrection
quelled.

A. D. 1683.

lying off those coasts, and the marquis of Athol, the hereditary enemy of his family, had come up with fifteen hundred men; while the earl of Dumbarton, the king's general, and an experienced officer, was advancing at the head of the regular troops, and the duke of Gordon, lord-lieutenant of the north, was marching against him with the northern forces. Without entering into many disagreeable particulars, it is sufficient to say, that the earl had no command over his officers, and was disconcerted in his best laid plans. Colonel Rumbold, the republican, who had made so much noise in England, commanded one of his regiments, and seized the castle of Ardkinglass; but it was soon blocked up on the side of the sea by the English men of war. The earl had some thoughts of attacking the men of war, by manning three prizes he had got at sea; but this project likewise miscarrying, he was forced, by his followers, to proceed to the lowlands, and to leave his magazines in the castle of Allangreg. This step proved Argyle's utter ruin. The commander of the castle, instead of blowing up the magazines, suffered them to fall into the enemies hands, and carried off the garrison. When Argyle crossed the river at Dumbarton, he found the king's army under their general drawn up, and his want of provisions would not suffer him to remain in a strong camp which he took up.

He

A.D. 1685.
He is taken
prisoner,

He had now no choice but to march southwards, and take possession of Glasgow; but he was misled by his guides, and crossed in every step by Sir John Cochran. Several parties of the militia appeared from time to time, but were beaten off; and by the best accounts, Argyle's army was in such distress, that they had no other view in their march but to procure themselves victuals. Sir John Cochran and Sir Patrick Hume, with a small party, barricaded themselves in an enclosure, and made their escape from the militia. The earl's other followers had by this time wandered from him, and he was attended only by major Fullerton, who was taken prisoner in attempting to cross the river of Inchannark. The earl had disguised himself in a mean habit; but the orders of the militia were so strict, that two of them attempted to seize him. After some struggle, he delivered himself from their hands, by presenting to them his pocket-pistols; but being attacked by five more, he was overpowered, and obliged to surrender. Such is the account given by the earl himself of his being made prisoner, and I give it the preference to that published by authority, though the difference is far from being material.

and executed.

Thus ended this ill concerted expedition; and by the earl's own account, he was betrayed, plundered, and cheated, by those whom he chiefly trusted. He mentions the two Englishmen

men Rumbold and Ayliffe as his only two friends, and speaks of them with great affection. An officer coming up on his surrendering himself to the militia-men, his quality was known, and he was carried from Glasgow to Edinburgh, where he was treated with great brutality, his hands being bound behind his back, and preceded by the hangman through the streets to the castle, where, it is said, he was put in irons. From some of his notes there is reason to believe, that he was threatened with the torture to make discoveries. The interrogatories which were brought to him, are to be found in Mr. Wodrow, and relate chiefly to his correspondents; but one of the questions is, "Who was to be raised to the throne, if this king was to be laid aside?" The earl answered the interrogatories only in part, and his answers have not come to our hands; but, I believe, he could give very little information that the government was not already possessed of. After some deliberation, it was resolved not to waste time on a new trial; and that he should be executed on his former sentence. His behaviour during the short interval before his death was calm and resigned, as appears by the letter which he wrote the morning before his execution to Mrs. Smith, the lady who had lent him the money in Holland. He was so undisturbed, that an hour before he was carried to the scaffold, he did not deny himself

A. D. 1685. his usual refreshing sleep after dinner, to the amazement of those who beheld him. His behaviour on the scaffold, though devout, was very resolute; and he declared he died "not only a protestant, but with a heart-hatred of popery, prelacy, and all superstition whatsoever." He kissed the instrument of his execution (commonly called the maiden) with great composure, saying, it was the sweetest maiden he ever kissed. Among other proofs of his serenity in his last hours, I may mention the epitaph he composed for himself in English rhyme, in which he speaks of his false friends with rather too much acrimony. He suffered on the thirtieth of June, and his execution was followed by that of Rumbold, and those of some of his followers in the expedition. The reader needs not question that the marquis of Athol, and the other enemies of the Argyle family, severely ravaged his estates; and that no circumstance of severity was wanting on the part of the government, for detesting and punishing his friends and followers.

As is the
duke of
Monmouth
in England.

The common jails of Scotland were so crowded with prisoners on account of Argyle's invasion, that numbers were sent to the castle of Dunnottar, where they were confined in a loathsome dungeon, till they were either transported or executed. It is well known from history, that the fate of Monmouth in England was as tragical as that of Argyle in Scotland,

land, and his expedition almost equally as ill concerted. The barbarity of Jefferies in the West has made a great noise, because the English were little accustomed to the sight of such cruelties ; but I doubt, whether they equalled those exhibited amongst the Scotch presbyterians, who had been habituated to them for above twenty years. The parliament, to take all prospect of relief from the unhappy sufferers, in every act they passed, inserted words declaratory of the king's despotic power over his subjects, wherewith he was invested by the first and fundamental laws of their monarchy. They declared their abhorrence and detestation of all resistance, upon whatever pretext, by deed, word, or writing; and, at last, they passed an act to approve whatever had been done by his majesty's privy-council, justice-court, and those commissioned by them, in banishing, imprisoning, or fining such as refused to take and swear the oath of allegiance, and to assert the royal prerogative, in their utmost extent.

Though the people of England, as well as the parliament of Scotland, had at this time made a surrender to the crown of all their constitutional and natural rights, yet the history of both kingdoms proves how little dependence is to be had on those professions, when the case is brought home to the feelings of the parties themselves. Hitherto James had behaved with tolerable decency towards the established

1686.
Progress of
James in
establishing
popery.

A. D. 1686. church of Scotland. This year the sufferings of the presbyterians were somewhat relaxed, partly from political causes, and partly because the objects of severity were almost worn out by death, banishment, or imprisonment; and those who were at liberty, profited by the sufferings of their brethren, and kept themselves at a distance from danger and discovery. In England, the king's measures were far from being equivocal; for it was plain, that he intended not only to suspend all the laws against popery, but, if possible, to render it the established religion of his dominions. It required no great effort of reason to instruct the Scots that the same bitter draught was preparing for them, and that their own acts of parliament compelled them to swallow whatever the court should administer. The duke of Queensberry, though he had gone too great lengths, made his retreat in time; and James perceiving that he had scruples as to the establishment of popery in Scotland, deprived him of his high commission. Thus he lost the service of the ablest minister he had; though, in fact, during the last parliament he outwitted himself, owing entirely to the good opinion he had of the king's sincerity. The act which he passed, obliging all persons to take the test when tendered to them by the council, under pain of treason, he thought would secure the protestant religion; and that the large revenues settled
by

by the Scotch parliament upon the king would entitle the country to his favour. The jesuits, however, saw that, by the repeated declarations made by parliament of the king's despotic right, the court had obtained a defeazance even of the test itself.

The duke of Queensberry became sensible of all this when it was too late, and perceived that the great services he had done to the prerogative must go for nothing, unless he sacrificed his religion. This was the true court-test both in England and Scotland; and the Scotch privy-council was so entirely under the power of the prerogative, that the papists had no apprehensions that the parliamentary test would be administered to any of their communion. James, who had a very mechanic genius in government, thought his despotic plan to be so well laid in Scotland, that it would execute itself, into whatever hands he placed it. The earl of Perth had somewhat below a middling capacity, but great ambition; and though he still preserved some shew of protestantism, yet James knew he was either at heart a papist (which is most probable), or that he might be easily rendered so. He therefore threw his eyes upon him, and his brother Melfort, who was rather the worse man of the two, but had better parts, to conduct the whole system of Scotch affairs, upon their making open profession of popery, which they readily did. Queensberry

Duke of
Queens-
berry dis-
graced.

A.D. 1626. Berry had long suspected this, and had treated Perth with some contempt. This created a quarrel between them, which brought them both to London, where James, by the instigation of the two brothers, resolved upon Queenberry's ruin; and it was determined, if possible, to bring him to the block.

The earl of Murray high-commissioner to the parliament.

Though the interior springs of government were thus arranged, yet it was necessary to settle the exteriors by pitching upon a convenient high-commissioner, who would be pliable in point of religion. Such a one presented himself in the person of the earl of Murray, who was appointed high-commissioner to the Scotch parliament, which was opened April the twenty-ninth. The king's letter on that occasion contained an encomium upon the loyalty of his Scotch Roman-catholic subjects, and recommended, in the most earnest manner, to his parliament, that they should not be suffered to lie under obligations that their religion could not admit of. This, in plain English, amounted to their being freed from all legal disqualifications either by the test or otherwise. To enforce this request, the high-commissioner in his speech said, that his master was ready to make good all he had promised for the advancement and improvement of the Scotch commerce abroad, particularly in restoring the merchants to their former privileges in France and the Low Countries. He promised them a mint, and

He proposes a suspension of the penal laws against papists.

and a more full indemnity, that the quarters of officers and soldiers should be regularly paid; and that he would pass all the acts which should be judged necessary for the benefit of his ancient kingdom, provided the parliament would grant the indulgence he desired for his good Roman-catholic subjects.

The proposal for suspending the penal laws against papists, had been for some time expected; and it is highly worthy of observation, that the clergy of the diocese of Aberdeen, who had been always signal for their loyalty to the crown, and were incomparably the most learned body in Scotland, was the only set of ecclesiastics in that kingdom who addressed their bishop to oppose it. Ross, archbishop of St. Andrew's, was weak; and Pater-son was venal, both to an uncommon degree, but concurred in doing more for the Roman-catholics than had been required even by the king himself. The duke of Queensberry had not yet been turned out of all his places, for he was at the head of the commission for the treasury; and he had other reasons for being silent. His silence, however, was naturally construed by the members as a disapprobation of the measure; and the duke of Hamilton was too cautious to expose himself to the court, by taking a lead in the opposition. The assembly itself was more full than usual; and after what the reader has seen of the compliances of the Scotch

Answer of
the parlia-
ment.

A.D. 1686. Scotch parliament, since the Restoration, he will, perhaps, be amazed when he is informed that the members were far from being unanimous in the answer they were to return to the king's letter *. No fewer than three bishops, a circumstance hardly ever known before, opposed the court; and therefore their names ought to be recorded, in honour to their memory. They were, Atkin bishop of Galloway, a venerable old prelate, who died soon after; Bruce bishop of Dunkeld, who opposed it with great spirit and resolution, both in his speeches and sermons, and was therefore deprived; and Ramsay bishop of Ross, who talked to the commissioner with such freedom as drew from the chancellor Perth a representation against him to his metropolitan the archbishop of St. Andrew's. The boldness and opposition which the king's pleasure encountered, disconcerted the commissioner; nor did the election of the lords of the articles go quite according to his mind. Some weeks passed in which there was a cessation from public business, while the members were closetted by the commissioner and chancellor. On the twenty-seventh of May, the lords of articles presented a bill to the parliament, but of a nature very different from what the court expected; for though it indulged the papists in the private exercise of their religion, none of the penalties

Wodrow,
Vol. II. p.
594.

* Bishop Burnet is greatly misinformed as to the whole of this transaction, and inconsistent with himself.

enforced

enforced against them by law, in case they exercised it in public, were remitted, and all the acts made in favour of the protestant religion were declared to be in full effect. A. D. 1686.

When the draught of this bill was brought into the parliament, the true complexion of the members was discovered. The same men who sacrificed their civil liberties on the altar of despotism, took hold of its horns to protect them in their religion. A great party appeared even against indulging the papists in the private exercise of their religion. The draught was remitted to the lords of the articles to be amended; but it returned to parliament in a still less favourable shape for the papists, and established the protestant religion more firmly than ever; for it was there declared, that the intended act should not derogate from, evacuate, or prejudice the 6 Act Parl. 3. Char. II. entitled, “Act anent religion and the test; or any other acts or laws enjoining the oaths of allegiance or test to be taken, by all persons in public trust, civil, ecclesiastical, or military.” The chancellor was doubtful whether, even with those mitigating clauses, the bill would pass the house; and rather than push it under an uncertainty, he chose to drop it entirely.

This is one of the most extraordinary events in history: That a parliament so much devoted to the will of a court, and so fettered by former compliances, should in a manner, of a sudden,

Opposition
in the
Scotch par-
liament.
Ibid. Ap-
pendix No.
116.

Debates a-
bout the
suspending
power.

A. D, 1686. after giving up almost all their civil, so strenuously vindicate their religious, liberties. It is a strong proof of the excellence of parliaments; for though by former acts, every single member might have been punished for his opposition to the royal authority, yet the court did not think proper to attack the parliament in a body. Though the creatures of power had been unusually diligent in shutting up the press, yet many bold papers were published at this time against the dispensing power, and had the happy effect of opening the minds of the nation to its danger. This was strongly felt at the time of the Revolution; though after the rising of the parliament some of the authors being discovered were obliged to abscond*. He had great advantages in the former act of the Scotch parliament establishing passive obedience. "It may (said one of those writers) be argued, that by refusing to consent to this moderate ease to papists, a most dangerous, and almost an incurable blow and wound may be occasioned to the protestant church and religion; for if the king please (and if he be irritated and provoked, it is hard to say what his majesty will do), he may, without violating of any law, at one stroke, remove all protestant officers and judges from the government of the state, and all protestant bishops and ministers from the govern-

Ibid.

* Sir Roger L'Estrange was then at Edinburgh, and, as usual, prostituted his pen in defence of the dispensing power.

ment of the church; and so the whole government both of church and state, may come to be lodged in the hands of such as cannot be judged so friendly to the protestant interest: and is not the extrusion of protestants from all power or authority, either in church or state, a greater hurt and prejudice to our religion, than any thing that can ensue upon a few papists enjoying their estates and lives? Nay, and what if his majesty should proceed, upon this just provocation, to fill all those places with papists? If he should, we must submit; and are tied by our principles and religion not to resist."

I have been the more explicit in the above quotation, as it is founded on irrefragable facts, and fully exposes the unguarded servility of former Scotch parliaments during this reign. The subjects in general began to awake, as it were, out of a dream; and to reflect that their deplorable condition was owing to their late parliaments, which, besides their votes and acts establishing despotism, had armed the government with a powerful body of standing forces. Those reflections were communicated to the military, else we cannot account for many subsequent events.

The king, thus disappointed in his favourite purpose, ordered his commissioner to put an end to the session. The earls of Mar, Lothian, Dumfries, Kintore, and the lord Ross, were

Alterations
in the go-
vernment
of Scotland.

A.D. 1686. turned out of the council, and their places were supplied by the duke of Gordon, the earls of Traquair and Seaforth, and other papists. A letter came from court, verifying, in part, the predictions of L'Esfrange in the above quotation. The king therein declared, that his consulting the parliament about repealing the penal statutes, did not arise from any doubt he had of his not being able to do it by virtue of his own prerogative, but to give his subjects an opportunity of shewing their loyalty. He then established the Roman-catholics not only in the free private exercise of their religion, but ordered his chapel within the palace of Holyroodhouse, under the protection of the government, for the catholic worship. Arbitrary as this letter was, it contained no more than was the natural result of the powers vested in James by law, as it then stood; but other notions now prevailed among the people. The two surviving bishops who had opposed the suspension of the test, were turned out of their sees, as were the lords of session who discovered the smallest aversion to the court. I refer to the histories of England and Ireland, for the wide, and, indeed, frantic steps, which had been taken by the king to establish popery in those kingdoms, and to reconcile his subjects to the papal power. Above all, they saw the chancellor earl of Perth, who, by his office, was the head of the law in Scotland, open a popish chapel in his own family.

ly. Those were provocations not to be resisted. A. D. 1687.
 The people, who commonly reason only from what they see, broke into his lordship's house, and committed terrible devastations upon the œconomy of his chapel. There was still power enough left in the government (though it began now to languish), to bring some of the delinquents to justice. A letter came from the king commanding his privy-council to find out the rioters, by torture or otherwise. The suspicion fell strongly upon the students of the university, but they endeavoured to clear themselves from the imputation by a public advertisement. It was about this time that the famous letter from a jesuit at Liege to one of his brethren at Fribourg came to light, and rendered the king equally contemptible as odious in the eyes of his protestant subjects. Dr. Burnet (afterwards the famous bishop of Salisbury), had retired to Holland, and a criminal process was issued against him, in his absence, for high-treason against the king's person and government. The part which that gentleman took, and the testimony he bore against popery, have been sufficiently described by himself; and his being well received at the prince of Orange's court, did not fail to fill James with terrible apprehensions. The doctor had courted a rich widow, and was naturalized by the States, which he thought (though erroneously) during his stay in Holland, transferred his allegiance

Dr. Burnet
 prosecuted
 in his ab-
 sence.

A.D. 1687. ance from the king to the sovereignty of those provinces. A paper-war commenced between the doctor and the government, and the public is no stranger to the letters he wrote on that head to the earl of Middleton, secretary of state. The presbyterians and quakers became now all of a sudden the court favourites both in England and Scotland.

Proclamation for suspending the test.

Stuart, the lawyer, who had so much distinguished himself in his pleadings for that party, received a pardon, at the recommendation of Penn the quaker, and published several papers defending the suspension of the penal laws, which he addressed to the pensionary of Holland. The younger Dalrymple of Stair, a presbyterian family likewise, succeeded Sir George Mackenzie as king's advocate. A proclamation was published, in which the king granted toleration to moderate presbyterians. Quakers and Roman-catholics were exempted from all penal statutes, in the exercise of their several religions; and the king, in fact, declared himself to be an absolute monarch, a doctrine in which he was but too well supported by the acts of the Scotch parliament since the Restoration; and he even quoted their own words in the proclamation. The council (corrupted as it then was) in their answer did not fully come up to the king's intentions, for their expressions were too general; and all they said was, that they were willing his subjects who are peaceable and loyal

A. D. 1687.

loyal should be at ease and security, notwithstanding their profession and private worship. This letter was signed by the earl of Perth, the two archbishops, and by some noblemen, who but a few months after distinguished themselves in the cause of liberty and the Revolution. The men of sense among the presbyterians were shy in taking any advantage from this indulgence, which was plainly meant to throw down the fences of the constitution against the papists, and to introduce them into all places of power and profit. Another proclamation soon after appeared, in which the king talked in a higher strain than ever; for he there, "by his sovereign authority, and prerogative royal, and absolute power, suspends, stops, and disables, all penal and sanguinary laws for non-conformity to the religion established by law."

July 5th.

This proclamation had great effect upon the presbyterian ministers, who had been so lately under persecution; and in a meeting they held at Edinburgh, they not only resolved to accept the benefit of the toleration, but to send up a warm loyal address to his majesty, thanking him for his favour and protection. It is pretty surprising that Mr. Wodrow, though he acknowledges that this address came from the presbyterian ministers, who had assembled from all parts of the country for that purpose, and has published another of the same kind
that

The presbyterians address the king.

A. D. 1687. that was sent up by the presbyterian inhabitants of Edinburgh, yet he denies either of those addresses to be the deed of the body of the presbyterians in Scotland. There is reason to believe, that in a short time the protestant dissidents, both in England and Scotland, were soon undeceived, when they saw the prodigious efforts made by the court in those kingdoms, to gain converts to popery, and to throw all the weight of power into their hands. Sir John Dalrymple, not being so supple as was expected, was turned out of his new place of king's advocate, which was again filled by Sir George Mackenzie; and some other law-removes were made. **1688.** Early the next year, a public thanksgiving was celebrated in Scotland, on account of the queen's pregnancy, which was attended by new proclamations for religious indulgences.

Views of
the prince
of Orange.

The alarm of an invasion from Holland was gathering strength every day. I leave to the history of England the negotiations which had passed between the king and the prince of Orange, upon the subject of the penal laws. A grand alliance was then on foot, to be formed between the emperor and the king of Spain, to which James was pressed by the two contracting parties, in the most earnest manner, to accede. Tho' this proposal flattered the prince of Orange's ruling passion, yet he could be only brought to declare that he would willingly agree

agree to the abolition of the penal laws, but not of the tests. The lord Sunderland, and the popish ministers in England, pressed Dykvelt, the prince's resident, on the same head; and James even offered to enter into the alliance, if the prince and princess would consent to the abolition of the test; but all was to no purpose. The truth is, the prince had gone too far in his engagements to be contented with any object but that of the crown, which he thought the conduct of James in both kingdoms had forfeited. All his subsequent measures (however he endeavoured to disguise his true sentiments) prove that this was his view; and the mad behaviour of James more and more justified him. The swearing father Petre into the privy-council of England, the embassy of the earl of Castlemain to the pope, the public and pompous audience he gave the nuncio at Windsor, his illegal proceedings against the universities, and, above all, the prosecution of the seven bishops for a libel, crowned, to the full, the prince's ambition, by justifying his undertaking. However paradoxical it may appear, yet it is certain that James, while he was hazarding his crown for the church of Rome, was, at this time, on very ill terms with his holiness; and while the prince was making preparations for rescuing England from popery, he was drawing the sword, at the same time, to establish it in other parts of Europe. The reader can easily account for this

The prince of Orange's connections with the pope.

A. D. 1688. seeming contradiction, by having recourse to the history of the breach between the French king and his holiness, on the subject of the regale and the privileges of the Gallican church, which became so violent as to threaten a total separation of France from the papal authority. The prince of Orange and his holiness had pretty much the same sentiments concerning the balance of power in Europe; and they equally hated the French king, with whom James now lived in the most intimate connections. It has been said, that Mr. Sidney, who was the greatest English favourite the prince ever had, privately resided at Rome on his part, even while the earl of Castlemain was ambassador there from James. Tho' I have no authority to assert this as fact, yet it is well known that his holiness treated the earl with great coldness, if not indignity; and that he succeeded in no part of his embassy, but in obtaining a trifling dispensation for a French mareschal to marry his niece; and another exempting father Petre from the statutes of the jesuits order, to enjoy an English bishopric.

Duke of
Gordon
made gover-
nor of the
castle of E-
dinburgh.

It is not foreign to this history to say, that James fell a sacrifice rather to jesuitism than to popery; and many, even very zealous Roman-catholics, bewailed every step he took to advance their own religion, as foreseeing that it would terminate in his ruin. In Scotland, no care had been taken, by Sharp and the prelates,
about

about the duke of Gordon's education, which was popish. He was one of the worthiest noblemen in Scotland. The king and his brother, who made him a duke, owed a great deal to his family; and James had appointed him governor of the castle of Edinburgh, a place of the utmost consequence for favouring his designs, and made him a privy-counsellor, and one of the lords of the treasury. The Jesuit party in Scotland naturally threw their eyes upon his grace as their head; but he discouraged all their advances, and made no secret that he thought they were urging the king to his destruction. The violent papists improved this moderation to the duke's disadvantage; and when he waited upon the king at London, he was treated at court with so much coldness, that he desired leave to resign his places, and to go abroad; but to this request he received a flat negative by the secretary, earl of Melfort. Several other indignities were offered him; and tho' he was not turned out of the government of the castle of Edinburgh, yet the garrison was garbled, as if his fidelity had been questionable. Upon the approach of danger from Holland, the duke thought his honour engaged to stand by the king, tho' he seldom attended the privy-councils, where he was obliged to act a subordinate part to the chancellor earl of Perth, and the marquis of Athol lord privy-seal.

A. D. 1688.
Order of
the Thistle
revived.

The king had of late revived, and (to use the words of the Gazette) restored, the most ancient and most noble order of the Thistle; and the duke of Gordon had been made one of the knights companions. The other knights were, the earls of Murray, Melfort, Seaforth, Dumbarton, Perth, Arran, and the marquis of Athol. I shall not here investigate whether the former history of this order is not, in a great measure, traditionary and apocryphal. It subsists to this day, only with this difference, that the ribband which the knights wore upon the revival of the order was blue, but was afterwards changed to green, to distinguish it from the order of the Garter.

The Scotch
army
march
towards
England.

Among the other measures taken by James for his defence, was a requisition he made, at this time, of the English and Scotch regiments in the service of the States-general, to be sent to England. This was refused; but the king ordered his army in Scotland to march to his assistance in England. This was a dreadful blow upon the popish part of the ministry in Scotland; and they joined, with the chancellor at their head, in remonstrating on the subject. All they could obtain was, that the army should be quartered in Carlisle, and the north of England, where it was surmised the prince would land, and that they should be replaced by a body of Highlanders. The privy-council, the prelates especially, were all this while plying the
king

A. D. 1688.

king with the most dutiful addressees and assurances of loyalty, particularly on the birth of the Prince of Wales. The English whigs, in direct contradiction to the strongest evidence, and indeed to their own principles, have disputed the reality of that birth, chiefly upon the frivolous grounds advanced by bishop Burnet, the most credulous writer in the world. All I shall remark here is, that if the birth was supposititious, the cause of Liberty was but half served by the Revolution, because some doubt must arise in the mind, what the event might have been if the birth had been real. The principles upon which the Revolution was founded have no regard to such suppositions; for they must have taken place independent of all consideration of the birth, or of any right derived to the offspring of the king and queen*. Upon the whole, therefore, I think that the cause of British liberty, and the constitution, is weakened by any question with regard to this unhappy birth.

When the news of the prince of Orange's landing in England was confirmed in Scotland, and his declaration sent down to that kingdom, it was publicly proclaimed at Glasgow, Irwin, Air, and other burghs in the west. It was in vain for the popish counsellors, still

Joy of the
Scotch upon
the prince
of Orange's
landing.

* Wildman said very archly on this occasion, that he had two objections to the pretender, the one that he was not king James's son, and the other that he was his son.

A. D. 1688.

remaining at Edinburgh, to order some of the populace, who had insulted the priests and mass-houses, to be publicly whipped, and one of them to be hanged; for no sooner was it known that the army had passed the borders, than the presbyterians repaired to the capital from all parts of the kingdom. The army had indeed been replaced by some of the militia of the neighbouring counties, but they proved feeble protectors of the popish administration; neither was it well connected in itself, for the chancellor Perth and the marquis of Athol, who were its heads, were at perpetual variance. The regency, as the administration was then called, durst not venture to move a step without orders from London; and the presbyterians, who now were fully convinced that the king had indulged them only that he might introduce popery, had disposed themselves in bodies upon the borders, so as to interrupt all dispatches sent to the court. At last, the privy-counsellors prevailed with one Brand, a merchant, to carry a letter to the king for instructions; but when he arrived at London, he carried his dispatches to the prince of Orange, and gave him such information, as enabled his highness to take the proper measures. The regency next appointed the earl of Balcarras, the viscount Tarbat, and the president of the session, to be their messengers to James; but the two latter declined the commission,

The Scotch
army reduced.

mission, and the former, who put himself at the head of the Scotch royalists, went too late. The marquis of Athol, as I have already hinted, had views very different from those of the earl of Perth; and though I do not perceive, that either he or any of the other counsellors declared openly in favour of the prince of Orange, yet he thought it was necessary to displace the earl of Perth from the head of the government, especially as the prince of Orange had met with most amazing success in England. He associated with himself the viscount Tarbat and Sir John Dalrymple in the execution of this scheme, which met with much less opposition than might have been imagined. Tarbat made a proposal in the council, that as the prince of Orange, in his declaration, had represented the keeping up a standing army in time of peace as one of the national grievances, and as it was attended with great expence, that therefore the troops in Scotland should be immediately reduced. The ice being thus broken, nothing could resist the torrent, which, as it were, instantaneously rushed forth. The chancellor himself was obliged to give way; and the very next day, orders were issued for reducing the whole army, excepting four companies of foot, and two troops of horse, which were kept up for the purposes of the revenue.

As

A. D. 1688.
The chan-
cellor retires
to his
estates.

As soon as this step was known abroad, the people observed no decency towards their popish governors. His holiness was burnt in every street, and the universal cry was, "No popish chancellor, no Melfort, no Father Petre." The army was then disbanded, a circumstance which served Athol's party to excellent purpose. The marquis himself repaired to the chancellor, and told him, that the protestant counsellors having now lost the protection of the troops, they did not think themselves safe to assemble with his lordship, and the counsellors of his religion, on account of the popular fury against all papists; but that if they would retire, he and the loyal protestant counsellors had still interest enough to save the king's affairs, to satisfy the populace, and disconcert the malecontents. The chancellor desired a short time to consider of this proposal, or, in other words, that he might have a meeting with the duke of Gordon, and the other popish counsellors; but at the same time, he signified his intention to retire to his own estates, and intimated that the other popish counsellors would do the same.

The populace plunders the palace of Holyrood-house, and the houses of the papists.

The duke of Gordon was far from being a military man, and no popish subject in Scotland had so much reason as he had to be disgusted with the government. His loyalty, however, supplied all his defects, and he resolved

A. D. 1688.

solved to do his duty to the king, by preserving for him the castle of Edinburgh, though it was in a most miserable state for defence. He had often applied for arms, ammunition, and provision; and tho' the privy-council had issued orders for that purpose, yet very little was done, tho' the garrison consisted of no more than a hundred and twenty men. Upon the first commotions of the populace he had retired to the castle, and was earnest with the chancellor to do the same; but the other popish counselors were of a different opinion, and thought that if he was removed the popular fury would overlook them. Perth being thus determined to leave Edinburgh, gave a draught upon the general-receiver for a small sum, not above five hundred pounds sterling, payable to the duke of Gordon, for the king's use; but the draught, when presented, was refused. Scarcely had Perth, attended by a strong guard of his own partizans, left Edinburgh, than hostilities commenced. The chief objects of the popular fury were the king's chapel at Holyrood-house, which had been decorated with great taste, and at a large expence, for the service of the priests, and a jesuit seminary for the education of young gentlemen in the neighbourhood. A guard had been placed under one Wallace, consisting of about a hundred and fifty resolute men, within the close of the palace, for the preservation of both; and it was now resolved to

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dislodge them. The presbyterians had underhand taken their measures so well, that every hour produced fresh alarms of intended massacres, sometimes by the Highlanders, and sometimes by the Irish; and all of them had the intended effect of heightening the popular rage against the royal party. Wallace and his men were attacked with great fury, and were received with equal courage. Some were killed on both sides; but he was at last obliged to give way, and not only the chapel and the jesuits house were rifled of all their ornaments, and their rich furniture destroyed, but the apartments of the royal palace were broken into, and a number of houses belonging to Roman-catholics were defaced and plundered.

The marquis of Athol governs Scotland.

The marquis of Athol took an almost absolute lead in the government of Scotland, upon the retirement of the chancellor. He had married the lady Emilia Stanley, daughter to the loyal earl of Derby, who had been beheaded for his loyalty to Charles the Second, by his wife lady Charlotte, daughter of Claud de la Tremouille, a duke and peer of France, by which marriage the families of Orange and Athol became nearly related, and a correspondence between them had been kept up. Besides family-clashings between the marquis and the chancellor, many family differences subsisted; and it is reasonable to suppose, that if no promises were made on the part of the marquis, he was pretty certain that

that his conduct would be approved of by the prince. He was, however, at first, extremely cautious, and preserved an appearance of zeal for the king, till he heard of his going to France, and that his affairs were irretrievably ruined in England. A. D. 1689.

The duke of Gordon, who still defended the castle of Edinburgh, may be said, at this time, to have been the only nobleman in Great-Britain who openly espoused the cause of his royal master; for Graham of Claver-house, now viscount Dundee, had not yet taken the field. The disadvantages the duke was under, were, however, inexpressible. Besides those I have already mentioned, the garrison, who were chiefly protestants, were disposed to mutiny, upon a report that prevailed, as if the duke intended to make them swear to maintain the popish religion. It was not without difficulty, and some danger to his own person, that the garrison were disabused as to that report; but some of them scrupling to take the oath of allegiance, they were dismissed. When the duke endeavoured to replace them by some of his own men, whom he brought from the North, a cry was immediately raised, that the duke of Gordon was bringing down parties of papists and Highlanders against the protestants; and he was forced to order his men to return. Difficulties
of the duke
of Gordon.

The marquis of Athol, in the mean while, assembled the council, and roundly proposed an

A.D. 1689.

address to be sent up to the prince of Orange, with the highest acknowledgments of gratitude for his generous undertaking, and freeing them from popery and slavery, and offers of future service. This sudden turn, before either convention or parliament had approved of the prince's expedition, was opposed by the two archbishops and their friends; and another, in more moderate terms, was voted, and sent to London, where it was but coldly received by the prince. The dispositions which the people, and many of the nobility, had shewn towards the exiled king, required professions of the strongest kind to enable his highness to reach the summit of his ambition. He had, indeed, entered upon the administration in England; but it was as the delegate of the people during the vacancy of their throne; and Ireland was in a desperate state, without any likelihood of falling in with the intended revolution. The marquis of Athol was afraid he had gone too far, and being jealous of the duke of Hamilton, who was at London, he posted up to that city, while the remaining part of the council called in a body of guards, and they assumed the government without paying any regard to his authority. The prince of Orange considered Athol's conduct as selfish and ambitious; and the duke of Hamilton, as having been always a secret, though not an active opponent

ponent of the late ministers in Scotland, became a favourite with the prince. A. D. 1639.

Scotland may be literally said, at this time, to have been left to shift for itself. Her peers and leading men resorted in shoals to London, and left the management of affairs to a few officers of state and the prelates, who acted as a privy-council, but with very little authority. The duke of Hamilton undertook for his countrymen; and a meeting of all the Scotch lords, among whom were the earl of Balcarra and the viscount Dundee, the heads of the royalists there, was convened by the prince at Whitehall, to deliberate upon the security of religion, their laws, and liberties. The duke of Hamilton was elected president; and, after some consultation, it was agreed to address the prince for a general meeting of the states in Scotland on the fourteenth of March, and that he should take the direction of affairs upon himself in the intermediate time. Before this paper was engrossed, the earl of Arran, son to the duke of Hamilton, made a motion, "That his highness should desire his majesty to return, and call a free parliament, for securing the religion and property of Scotland, according to her known laws." This motion, though undoubtedly regular and constitutional, threw the whole meeting, which consisted of thirty noblemen and eighty considerable gentlemen, into such consternation that it broke up without coming to any

The administration
vested in
the prince
of Orange.

A. D. 1689. any resolution. When they re-assembled, it was found that no member had seconded the earl of Arran's motion *; and Sir Patrick Hume, whose notions of the Revolution were enlarged and unreserved; and lord Cardross, were for censuring the motion, as being derogatory to the prince's honour. This motion was quashed by the management of the duke of Hamilton; and the former resolution was engrossed, and delivered to the prince, who thereby became administrator of all affairs, civil and military, in Scotland. The elections were to be made fifteen days before the meeting of the states, and both electors and elected were to be protestants, without any other exception or limitation whatsoever.

Observation.

A Scotchman, with confined ideas of government, must naturally find fault with this manner of proceeding, by a few noblemen and

* The earl of Balcarras, who wrote memoirs of what past at that time, and to whose information the public is greatly indebted, though he appears to be a man of sense and knowledge, has very lamely accounted for the reason why he and the other Jacobites, in the meeting, did not second the earl of Arran's spirited proposal. He says first, that none of them knew of it. This can be no reason, because the earl of Arran could have no opportunity of consulting him, nor, after what had happened, durst he have trusted him. The earl's second reason is, that they suspected him on account of his father. But this surely was one of the strongest motives for trusting him. Lastly, the earl says, that if any of the royalists had seconded his motion, the prince of Orange would have immediately sent down troops to Scotland to overawe the convention. This is only a conjectural reason; and if we are to believe his lordship, the convention was actually afterwards over-awed, not only by the prince's troops, but his partizans.

gentle-

A. D. 1689.

gentlemen, compared to the whole landed interest of the kingdom, without any legal authority thus presuming to turn the course of government from its constitutional channel. This objection might have force, had not the conduct of the king and his brother long before, thrown down all the fences of the constitution, and left it no better than a mere sound. How can laws and liberty be mentioned by men who had concurred in sacrificing both, to a prince whose religion made him their declared enemy; and whose actions had put a period to their existence in any other shape than the principles of self-preservation, to which all governmental institutions must give way. This argument, it may be said, is as severe upon the parliament as upon the king: Undoubtedly it is; and some of those who were now most forward for the Revolution, had been the most instrumental in rendering it necessary. But admitting this and a great deal more of the same kind of argumentation, the right which the people of Scotland had to secure their religion, and revive their liberties, can admit of no dispute, as they are objects before which all family or temporary considerations must vanish.

The prince of Orange received the address of the Scotch lords and gentlemen with more complaisance than was consistent with his usual phlegm, but behaved with wonderful prudence during the whole negotiation. Though his attach-

Cautious
conduct of
the prince
of Orange.

A. D. 1689. attachment to the whig party cannot be doubted, yet his affection for whig principles, during his succeeding reign, became very questionable. He knew very little of Scotland but what he had learned from the malecontents who had taken refuge in Holland, and who, he thought, were influenced by persecution. He saw that his declaring for one head of the nobility, or for one set among them, must raise him enemies. He was perfectly indifferent as to modes of religion, and even hinted that if the bishops could be brought to support him, he had no objection to the continuance of episcopacy in Scotland. He received every application with civility, but without hampering himself by any particular promises; and he artfully evaded suffering the Scotch nobility and gentry to return to their own country, till he was declared king of England, and they had kissed his hand as such.

The duke
of Gordon
defends the
castle of
Edinburgh.

The castle of Edinburgh still was possessed by the duke of Gordon, though he had been again and again formally required by the council to put it into their hands. His conduct was, perhaps, more firm than a professed politician or soldier would have discovered on the like occasion. He said he had received the castle from the king, nor would he deliver it up but by his order; and that if they intended to make a present of it to the prince of Orange, he could do that as well as they. He has been blamed by almost

almost all historians for not obliging the people of Edinburgh to supply him with provisions: but the duke acted like a wife and a good patriot; nor can any man of common sense imagine that he ever proposed holding out a single fort at the head of a hundred and fifty, or at most two hundred men, against all the power of Great-Britain. He has been censured likewise for not beating down the town of Edinburgh; but what purpose could that have served, but that of wanton cruelty? The duke was so far from any such design, that he gave the magistrates of Edinburgh the strongest assurances of his protection. A proclamation coming from the prince of Orange, by which all popish military officers were required to resign their commands to the next officer under them, one Auchmuty craved the benefit of it, as being the next protestant officer in command; and it was with difficulty that the duke escaped being put under arrest, and obliged Auchmuty to resign his pretensions. The truth is, the duke held a private correspondence with his infatuated master, who ordered him, by all means, to defend the castle, and promised him, in a very few days, that he should be relieved by an army. The king's orders were seconded by the advice of the royalists, who had, by this time, formed a scheme of raising the Highlanders; and the duke thought himself, in honour, obliged (if possible) to wait the event. He

Appendix
to the his-
tory of Ger-
don.

A. D. 1689. , was well seconded by his lieutenant-governor colonel Winram ; and fresh conspiracies breaking out every day, they acted with such prudence and resolution, that new soldiers whom they could trust were introduced, the mutineers were dismissed, and the garrison was new modelled.

Misconduct
of the roy-
alists

Before the convention met, the duke of Hamilton and the west-country gentlemen privately introduced a number of armed men into Edinburgh, who were to act as occasion should offer. The royal party had in their eye the marquis of Athol for president, because he was an enemy to the duke of Hamilton, and had professed great contrition for his past conduct. The bishop of Edinburgh officiated as chaplain at the opening of the meeting, and prayed for the restoration of king James. The royalists had flattered themselves with dividing their enemies, but they were miserably disappointed ; for the duke of Hamilton carried the chair by forty votes. It is in vain for the earl of Balcarras in his Memoirs to palliate the conduct of the royalists on this occasion. It is very plain from his own narrative, that the real friends of king James were few ; and that many called themselves so, that they might be bought off ; but seeing such a superiority of numbers against them, they fell in with the prevailing side. In short, the conduct of the royal party was despicable beyond expression ; for the
duke

duke of Gordon alone had the courage to avow his principles. A. D. 1689.

The whigs having now the face of authority on their side, sent the earls of Lothian and Leven, in the name of the states, with an order commanding the duke to surrender up the castle. The duke, who had by this time received his master's orders, dispatched the earl of Dumfermling to act as his deputy-lieutenant in the north, and obtained a few days by amusing the two earls with a negotiation; but then turned them out of the castle. He was next proclaimed a traitor by the heralds in all their formalities, in the entrance of the garrison, and a premium was set upon his head. The duke gave them some guineas, but told them with an appearance of good humour, not to proclaim men traitors with the king's coats on their backs; or, at least, not before they had turned them. Upon the departure of the heralds, the duke frankly told his garrison of their danger, if they continued to defend the castle: upon which, Auchmuty, three gunners, some petty-officers, and some common soldiers, to the number, in the whole, of seventy, left the castle, after receiving their wages; but I perceive that their places were amply supplied by a number of brave volunteers who entered into the duke's service.

The duke of Gordon declared a traitor.

The earl of Balcarras, to place his own conduct in the most favourable light, blames the royalists for remaining in the convention after

A. D. 1689. it was over-awed with an armed force, on pretence of protecting it. The truth is, the duke over-reached both Balcarras and the states in a very masterly manner, when we consider, as I have already hinted, that his real intention was to preserve the castle for some time, according to his master's orders; which he did with admirable address, though king William would have given him his own terms, and sent him a letter to that effect.

A letter from king James presented to the states.

The surrender of the castle of Edinburgh stood in this indecisive state, when two letters arrived to the meeting of the states; one from king William, and another from king James, presented by one Mr. Crane, an Englishman. After a warm debate, it was voted to read king William's letter first; and it was found to contain the project of an union of both kingdoms. Before that from king James was read, the following minute was entered upon the books of the assembly: "Forasmuch as there is a letter from king James the Seventh presented to the meeting of the estates, that they, before opening thereof, declare and enact, That, notwithstanding of any thing that may be contained in that letter, for dissolving them, or impeding their procedure, yet that they are a free and lawful meeting of the estates, and will continue undissolved, until they settle and secure the protestant religion, the government, laws, and liberties of the kingdom."

The

The letter from James was such as might have been expected from an exiled prince retaining all the mad notions of royal dignity, and directed by fools and enthusiasts. It contained a mixture of promises and menaces, which produced nothing but contempt; and Crane, after being put in confinement, was dismissed with a pass instead of an answer*.

The duke of Gordon continuing still obstinate in defending the castle, an end was put to all negotiating, and guards were placed, by order of the states, to cut off his provisions. The royalists, on the other hand, weakly imagining that their assembling at Stirling in the form of a convention, under a warrant which James had signed, would perplex and divide their adversaries, resolved to leave Edinburgh, in hopes of being protected by the earl of Mar, who was governor of Stirling-castle, and the marquis of Athol, their new proselyte, who could raise a large body of Highlanders. The reader is to observe that those Highlanders, besides their martial disposition, had, since the Restoration, been rendered excellent troops by discipline; and lord Dundee, who had great interest among them, made no doubt of his being able, at their head, not only to protect the projected convention at Stirling, but to dissipate the meeting of

Lord Dundee leaves Edinburgh.

* It is surprising that lord Balcarra should omit all mention of this letter; and that Burnet should say it was presented by one Lindsay, but not read, contrary to the authority of the Gazette itself.

A. D. 1629.

the states at Edinburgh, from whence he departed at the head of about forty or fifty horse in his train. He halted under the cannon of the western walls of the castle, and communicated his intentions to the duke of Gordon, whom he persuaded to hold out for some days longer; but the marquis of Athol and the other royalists broke the concert; so that next day they found themselves shut within the walls of Edinburgh, by order of the states. This entirely broke the design of the Stirling convention. The marquis of Athol's heart failed him, and the earl of Mar was put under arrest. None of the other royalists durst make any head against the Revolutionists; and most of the bishops leaving Edinburgh, the estates became nearly unanimous. No regard was paid to any act that had passed in the late reign; and the command of the horse militia was given to Sir Patrick Hume, notwithstanding his attainder. A guard of eight hundred foot was raised, and a reinforcement of four regiments of foot, and one of dragoons, arrived at Edinburgh, under the command of general Mackay; and a most dutiful letter was written to king William, in a style which demonstrated that the states were ready to acknowledge him, after the necessary formalities were over, as their sovereign.

This letter being dispatched, a motion was made that a committee might be named to settle the

the government. Eight lords, eight knights, A. D. 1689. and eight burgesſes, were appointed to bring into the houſe this momentous affair, the arch-biſhop of Glaſgow and the biſhop of Edinburgh being the only two of the epiſcopal order who remained in the aſſembly. Sir John Dalrymple was the chief manager of the queſtion, and, in a manly ſtrain of reaſoning, expoſed the childiſh futility of the Engliſh debates upon the word Abdication and other unmeaning terms, when their throne was declared vacant. He came directly to the point; and the following ſenſible vote was agreed upon :
“ The eſtates of the kingdom of Scotland find and declare, that king James the Seventh, being a profeſſed papiſt, did aſſume the royal power, and acted as a king, without ever taking the oath required by law; and had, by the advice of evil and wicked counſellors, invaded the fundamental conſtitution of this kingdom, and altered it from a legal and limited monarchy to an arbitrary deſpotic power; and had governed the ſame to the ſubverſion of the proteſtant religion, and violation of the laws and liberties of the nation, inverting all the ends of government, whereby he had forfeited the RIGHT of the crown, and the throne was become vacant.”

It is remarkable that this vote cuts the king, and conſequently his poſterity claiming under
him,

A. D. 1688.
The crown
settled upon
king Wil-
liam and
queen Mary.

him, from the right to the crown *. Ross, bishop of Edinburgh, who survived all his order in Scotland, and was a man of virtue and principle, with some learning, opposed this vote, when it was reported to the house, with common-place arguments drawn from passive obedience writers ; but he had not above eight or ten to second him. The vote was approved of ; an act was passed for settling the crown upon king William and queen Mary ; and an instrument of government was drawn up, to be offered with the crown, for securing the people from the grievances which they had laboured under. Among the dissidents from the above vote, were the duke of Queensberry and the marquis of Athol ; but seeing the complexion of the parliament, they were among the most forward to recognize king William's right, upon the principle, that tho' they dissented in debating the question, yet as the vote had received a legal determination, they acknowledged its validity. The duke of Hamilton, who acted as chairman of the states, assumed great merit to himself in the service he did the new king, by his forwardness in this affair ; but I do not find that either he or his friends were willing to give up the forfeitures they enjoyed by the iniquitous grants in the late reign.

* The common historians, such as Tindal and the author of king William's Life, have altered the meaning of that very important expression, by reading instead of the word RIGHT, RIGHTS, which convey very different ideas.

A. D. 1629.

The earl of Argyle, who, notwithstanding his father's attainder, took his place in parliament, Sir James Montgomery for the landholders, and Sir John Dalrymple for the burghs, were named as deputies to make a tender of their crown to king William. That prince would willingly have preserved the episcopal order in Scotland; but he found the prelates so bigotted, ignorant, and intractable, that they refused to support his government; and he gave them up. He received the deputies with great civility, and a coronation oath was tendered to him and his queen, drawn up in a very fanatical strain. Among other particulars they were required to root out all heretics and enemies to the true worship of God. This struck the king; and it ought to be remembered to his immortal honour, that he declared he did not mean by those words, that he was under any obligation to be a persecutor. The commissioners (with what truth or consistency I cannot see) replied, that neither the meaning of the oath, nor the laws of Scotland, did import it. "Then (said his majesty) I take the oath in that sense."

Tho' the great measure of the Revolution in Scotland had passed within doors, without any apparent combustion, yet its friends did not know what opposition it might meet with without doors. They had ordered all their members to attend under pain of imprisonment, that they might know their strength;

The castle of Edinburgh surrendered by the duke of Gordon.

A. D. 1639. and they had even declared the viscount of Dundee an outlaw and a rebel, for absenting himself from the assembly on pretence of his being over-awed by the western forces and the regular troops. This resolute proceeding, and an attempt to seize his person, precipitated the viscount's measures; for he had orders not to enter upon hostilities till he could be supported by a body of troops from Ireland. The castle of Edinburgh continued still to be blockaded; but all the partizans of the old king could not persuade the duke of Gordon to fire upon the town. The truth is, such a conduct would have been equally ineffectual as inhuman; for the estates might have easily transferred their meeting to Glasgow. At last a siege was regularly opened, and the besiegers plied the castle with their battering artillery. The duke was under inexpressible disadvantages for want of almost every thing necessary for a defence; but, on the other hand, the besiegers carried on their works so awkwardly, that he was in no great danger. When the enemy raised some works against the castle, the townsmen threw them down, relying upon the honour of the duke, who expressed some concern, that if they were continued, he must be obliged to fire upon the town. Notwithstanding the shew of resistance his grace made, his garrison was in a most lamentable condition. All his correspondents in the town were seized and imprisoned; and a
courier

courier which arrived to him from Ireland deprived him of all hopes of relief, about the time when he must have surrendered in a few days for want of provisions. As honour had engaged him to defend the place, humanity dictated that he ought to surrender it, which he did, after a three months siege, upon the most honourable terms for the garrison, their lives, liberties, and fortunes being secured, and they themselves marching out with their swords and baggage. Pardon was even stipulated for the inhabitants of the town who had corresponded with the duke; but he made no stipulation for his own safety, as he thought he had done nothing but what his duty warranted; and I believe his greatest enemies, if he had any, were of the same opinion, for he died in possession of his liberty, estates, and honours.

The abdicated king was then in Ireland, and his ministers were ridiculous, or infatuated, enough to comfort themselves under all their misfortunes, with the prospect of obtaining the forfeited estates of all their enemies. James had still many friends in Scotland; but his correspondence with them was betrayed, and care was taken to secure the suspected persons, lord Balcarras in particular. When the convention of estates was turned into a parliament, the duke of Hamilton was made high-commissioner, but with a very small share of power in the disposal of places, which was his great ob-

The administration of Scotland settled.

A. D. 1689. jeſt, and that of his party. In this William ſhewed great ſagacity. He gave the ſecretary's ſeals to lord Melvil, whom he knew in Holland, and whom he could truſt; and he conſided for advice in Dalrymple lord Stair, who was a preſbyterian, and one of the moſt able men in Scotland. The ſettlement of the church was ſtill uncertain; but after a long debate it was voted, "That prelacy and ſuperiority of any office in the church, above preſbyters, is, and has been a great and inſupportable grievance and trouble to this nation, and contrary to the inclinations of the generality of the people, ever ſince the Reformation (they having reformed popery by preſbytery), and therefore ought to be aboliſhed."

An oppoſition,

Tho' this vote was abſurd, and founded upon more falſhoods than one, yet it was expedient, if not neceſſary. The friends of prelacy in general, had ſlaviſh notions of prerogative; and it was found neceſſary not to repreſent episcopacy as a grievance, but to make its abolition one of the *pacta conventa* of the new ſettlement. It is to this bold vote that I chiefly aſcribe the eſtabliſhment and preſervation of Revolution principles in Scotland. The committee of parliament, called the lords of the articles, was next aboliſhed, as being a public nuisance, as were many other abuſes practiſed in the late reigns; but this was obtained with great difficulty from king William, whoſe private

vate sentiments, as I have hinted, were highly in favour of prerogative. He was even for restoring to their places, some of the worst instruments of the late reign; and refused his consent to a bill for incapacitating obnoxious persons from holding offices. In other respects the administration was greatly divided in itself. The duke of Hamilton was discontented at the small regard paid to his merits by the king, and formed a party against Melvil and the other ministers, who had obtained for king William a revenue for life, and a fund for maintaining a standing army of six thousand men.

The opposition, however, was so skilfully managed, that the parliament and the ministry actually split upon the nomination of the judges, which the latter thought ought not to belong to the crown; and the dispute went so high that the parliament was adjourned. To read the state-papers of that time, one would think that the nation was upon the eve of a new Revolution. The majority of the parliament drew up a remonstrance to the king, upon the proceedings of his ministers, who had advised him to refuse his assent to five acts which had passed by the majority.

“ The first (says this remonstrance) is that declaring the privileges of the estates of parliament to nominate and appoint committees, as they shall think fit; and excluding therefrom the officers of state, unless they be chosen.

Remonstrance to the court.

And,

A. D. 1689. And, omitting what the parliament hath already represented to your majesty, as reasons of their vote, it is humbly conceived, that this act is exactly framed to the extent of that grievance, which, together with the rest, is desired, in the instrument of government, to be redressed unto us in parliament.

“ The second was an act abrogating the act of parliament 1669, asserting the king’s supremacy over all persons, and in all causes ecclesiastical; and this act is so exactly conform to the second article of the above-mentioned grievances; and the foresaid act of supremacy, in itself, is so dangerous to the protestant religion, as well as inconsistent with the establishment of any church-government, that we doubt not your majesty will ever approve all that voted it.

“ The third is an act anent persons not to be employed in public trusts: And all the ruins and distresses of this kingdom have so certainly flowed from the persons therein noted, especially such as by their contriving of, and concurring in, the dispensing power, have thereby imminently endangered our religion, and overturned all the fences of our liberties and properties; which we have good ground to believe the parliament would have extended but to few persons: And your majesty, in your declaration, hath so justly charged the same upon evil and wicked counsellors (the only persons pointed

pointed at in this act) that we are persuaded A. D. 1682.
that you will find it absolutely necessary for
attaining all the ends of your majesty's glo-
rious undertaking for our relief.

“ The fourth is an act concerning the nomi-
nation of the ordinary lords of session, and the
election of the president ; to wit, that in a to-
tal vacation they be tried, and admitted or re-
jected by parliament ; and in a particular vaca-
tion they be tried, and admitted or rejected, by
the other lords ; and that the president be cho-
sen by the lords themselves, conform to our old
practice and express statute : And this act is so
agreeable to practice laws and acts of parliament,
and so necessary for the true and equal admi-
nistration of justice (the great security of all
kingdoms) that your majesty will unquestion-
ably approve it.

“ The fifth and last is, an act ordaining the
presbyterian ministers yet alive, who were thrust
out since the first of January 1661, for not con-
forming to prelacy, and not complying with
the courses of the time, to be restored. And
this act is in itself so just, and so consequential,
from the claim of right, and agreeable to your
majesty's declaration, that less, in common equi-
ty, could not be done. And here your majesty
may be pleased to consider, that though prelacy
be now, by law, abolished, yet these few mini-
sters, not exceeding sixty (tho' restored, as they
are not, for want of the royal assent to the fore-
said

A. D. 1689. said act) would be all the presbyterian ministers legally established and provided for in Scotland."

Unsettled
state of
Scotland.

I have been more than usually explicit on the head of this remonstrance, as it is a signal proof of the disregard in which king William held his best friends, the Scotch presbyterians, who had so lately put the crown of that kingdom upon his head. He still left a door open for the establishment of episcopacy, because he thought it would serve him with the church of England; but the clergy of that persuasion in Scotland were of various principles. A few of them thought that religion ought not to be affected by any change that was made in the civil government. Some were indifferent with regard to the two denominations of episcopists and presbyterians, and were willing to hold their livings under any form of government. A number of them, tho' far from being eminent for learning, thought that their oaths bound their allegiance to the person and posterity of king James; and that they could not, without perjury, conform themselves to the new government. A fourth set (which I believe were the most numerous) were encouraged to think that the Revolution was too violent a measure to be permanent, and that king James, backed as he was by the power of France, in possession almost of all Ireland, and having a strong party in England, would soon regain his crown.

Upon

A. D. 1689.

Upon the whole, king William had no encouragement to stand by the episcopists or the bishops. Proclamations were ordered to be read from all the pulpits in the kingdom, declaring the votes that had been passed in the convention, in favour of king William and queen Mary; and, tho' episcopacy was not yet formally abolished, the privy-council, to the secret dislike of king William himself, deprived all incumbents, who were averse to reading the proclamation, of their benefices.

The viscount Dundee was now the only prop of James's cause in Scotland. He summoned the Highland clans to join him, which they did to the number of two thousand; and he drove colonel Ramsay, who commanded under general Mackay, from the Highlands, at the head of his regiment of cavalry. Mackay found that his own regiment, on the first opportunity, would desert to Dundee; and it was with some difficulty that he saved himself by a precipitate retreat, till he was joined by Ramsay's dragoons, and an additional regiment of English foot; upon which Dundee, who had not above two thousand men, retired towards Lochaber, where it was impossible to force him to a battle. Mackay put his men into quarters of refreshment, after undergoing vast fatigues; and the Athol Highlanders, who had been raised by the marquis's son lord Murray, deserted their young chief, and declared

Battle of Killikranke,

A. D. 1689. for king James. About three hundred miserable new-raised foot at this time arrived from Ireland, instead of the numerous reinforcements promised by James and Melfort to Dundee. The latter was not discouraged with this disappointment, and marched to raise the siege of the castle of Blair, which held out for king James. By this time Mackay had again taken the field, and had advanced to the pass of Kilkrankie. A battle ensued, in which Mackay was defeated, with the loss of about two thousand men, and almost all his artillery; but Dundee, in giving orders about the pursuit, was killed by a random shot, and with him perished all the surviving hopes of the rational Jacobites in Scotland. It is said that five hundred were taken prisoners, and that Mackay himself, with his chief officers, must have undergone the same fate, had not the Highlanders been too intent upon plunder. The loss of Dundee's men was so inconsiderable, that I do not find it mentioned.

where Dundee is killed.

Duplicity of king James and his minister.

While Dundee's body lay upon the field of battle, an officer picked up some papers, among which was a letter from Melfort to Dundee, and a declaration under the king's hand, containing not only an offer of indemnity to all such as returned to their duty, but of toleration to all persuasions. Melfort's letter to Dundee, however, imported, "that notwithstanding the seeming promises of indulgence and in-

indemnity in the declaration, he had so worded them that king James might break through them when he pleased; and that his majesty did not think himself obliged to stand to them." I should have had difficulty in giving place to so infamous an instance of duplicity, both in James and his minister, had not the fact been related by the earl of Balcarras, in the Memoirs which he addressed to James himself, and mentioned as doing an irreparable injury to his majesty's affairs even with his best friends.

Upon the breaking up of the parliament all parties hurried to London, some to apologize for their conduct, but more to beg places. King William received them so coldly, that Sir James Montgomery and some other patriots who had distinguished themselves for the Revolution, offered their services to the English Jacobites. A scene of intrigue and treachery then followed, but too complicated, too uninteresting, and too ill authenticated, to be particularized here. It happened that king William, at this time, was very unpopular in England, even among those who had been most forward to place the crown on his head; so that little notice was taken of those factions. He endeavoured to throw some part of the charge of his refusing his assent to the bills mentioned in the remonstrance, upon the commissioner; and the violence of the earl of Crawford was blamed for the proceedings against the clergy. This spirit against the king's behaviour

New administration
settled in
Scotland.

1690

A. D. 1690. did not subside by the manner in which he treated the remonstrators. He complained of their insolence, and, if possible, he would have kept them from meeting again in parliament, at least for some time. The state of the nation did not admit of such a remedy, for the army was necessary for over-awing the Jacobites; and almost all the episcopal part of the kingdom declared themselves such. He attempted a midway, by stopping the mouths of the most clamorous and active with places. But the parties were too numerous to be satisfied with the places already created under the government, and he was obliged to put the most considerable of them into commission. The custody of the great-seal was committed to the duke of Hamilton, the earl of Argyle, and the earl of Sutherland; the privy-seal to the earl of Forfar, the earl of Kintore, and the lord Carmichael; the treasury was divided among the earl of Crawford, the earl of Cassils, the earl of Tweeddale, the lord Ruthven, and the master of Melvil; and the clerk-register's office was held by the lord Belhaven and four more.

Disliked by
all parties.

This partition of places, by splitting them, disoblged all parties. Duke Hamilton disliked lord Melvil (who had the geatest interest of any Scotch nobleman with king William), and lord Stair; and refused to accept even of the place of high-commissioner, if he was tied down to co-operate with them. It was therefore given to lord Melvil, who was sent down to Scotland with

with a promise from court that episcopacy should be abolished. He found the complexion of parties such, that he was forced to adjourn the parliament to the fifteenth of November; and a new revolution must have been the fate of Scotland, had it not been for the conscientious part of the Jacobites, who refused to take the oaths to qualify themselves to sit in parliament *. Archbishop Paterfon and lord Balcarras were not of this number; and tho' Montgomery had made use of the most scandalous duplicity to effect a coalition between the conforming Jacobites and the disobliged presbyterians, yet the matter was so ill managed, that the court carried a trying question upon an election by six or seven votes. This disconcerted all Montgomery's schemes. The duke of Queensberry, the marquis of Athol, the earl of Breadalbane, and others on whom the Jacobites had great dependence, left them, but without joining entirely with the court. Lord Melvil grew apprehensive of the consequences; and he wrote over to king William, who was then in

* Ross, who was then bishop of Edinburgh, and whom I have mentioned in the body of the history, has left a very particular account, which, I think, is far more to be depended upon than those either of Burnet or Balcarras, of king William's disposition towards the Scotch bishops. This account is addressed in a letter to the honourable Archibald Campbel (son to lord Neil Campbel, of the Argyle family) who was a nonjuring bishop. Ross positively says in that letter, that both Compton bishop of London and the duke of Hamilton undertook that king William would preserve episcopacy in Scotland, if the bishops there could be brought to comply with his government.

Ireland,

A.D. 1690. Ireland, for powers to give up the rights of patronage, and the supremacy of the crown. The king was unwilling to yield either, but enlarged Melvil's powers; upon which the latter gave both up, and he thereby lost all credit with king William. But, though this is the manner in which bishop Burnet relates this great revolution in the ecclesiastical establishment of Scotland, yet there is great reason to believe that some weeks before lord Melvil had received his instructions for the final abolition of episcopacy; because the act that rescinded the king's supremacy over the church was touched with the royal sceptre (the manner of passing acts in Scotland) on the twenty-sixth of April, whereas the king did not set out for Ireland till the fourth of June. The truth is, the bishop committed this anachronism from his zeal to have it believed that king William did not abandon the cause of episcopacy; but nothing is more ridiculous than that insinuation, because that prince well knew the aversion which the Scotch episcopists had to his person and government.

Episcopacy
abolished in
Scotland.

Lord Melvil now found his difficulties vanish, in proportion as the breach widened between the presbyterians and the Jacobites. The weakness of the latter, even by Balcarras's own account, is almost incredible; for they suffered themselves to be persuaded that king James was to be restored by the presbyterians, at the
very

Very time when Montgomery was betraying to Melvil all the correspondence between his party and the abdicated king. The fact was, that Melvil did in reality discover a most amazing scene of danger to the government, which justified his passing acts for which he had no instructions; and thereby he disconcerted the conspirators, and dissipated the danger. He gave way to an utter repeal of the constitution of the lords of articles. A pardon for all who were in arms was published. The king had chimney-money granted him instead of his supremacy. A test was imposed on all in office, or capable of electing or being elected into parliament; and part of it was the renouncing all manner of title pretended to be in king James. The re-establishment of presbytery was attended with the most dreadful consequences. About threescore ministers were alive of those who had been turned out in the year 1662, and they were replaced in their former livings, with orders to fill up the vacancies in the best manner they could. This opened a door for terrible abuses. The young men who had been privately ordained in the presbyterian way, and were called to the vacancies, were, many of them, enthusiasts, and had been heated almost into frenzy by zeal and persecution. They drove the episcopal ministers, their wives and families, from their livings into the fields, with a barbarity that would have disgraced the worst of infidels; and some

A.D. 1696. of them perished with cold, hunger, blows, and other mal-treatment.

The death of the viscount Dundee did not discourage the Highland Jacobites. Colonel Cannon, an Irish officer, who had succeeded to Dundee's command, had retired to the Isle of Mull; but no sooner did king William call for his regiments in the north of Scotland, to Ireland, than they renewed their incursions under Sir Hugh Cameron of Lochiel, who had almost surprized the town of Inverness. As to Cannon, finding he was not popular among the Highlanders; and that all the heads of the Jacobites in the Lowlands had either deserted the cause, or were confined, he went to Ireland, and left the command with Cameron, whose numbers soon became to be two thousand. Two frigates were sent by king James from Dublin, with ammunition, cloaths, and arms, for their use; and one colonel Buchan, with about forty other officers, to head them. By this time they had fallen down to Strathspey in the county of Murray, where they expected farther reinforcements; but they were surprized by Sir Thomas Livingston, a Dutch colonel, who defeated Buchan, after killing an hundred of his men, and making about four hundred prisoners, with little or no loss to himself. This happened at a place called Cromdell: but Sir Thomas had no instructions to follow his blow; so that the Highlanders still remained in a body. The
ruin

The High-landers de-feated by Livingston.

ruin of king James's affairs in Ireland, his loss of the battle of the Boyne, and his return to France, were urged by the more serious Jacobites, as reasons for their accepting of the pardon tendered them by the government; and king William would have willingly agreed to it, had not Cameron, and some other of their desperate leaders, opposed all treaty with the prince of Orange, as they called him. As to the lords and gentlemen who had been concerned in Montgomery's fantastical plots, they may be said rather to have been discontented, than disaffected; and each made his own peace, by confessing all he knew, which entitled him to a pardon.

We have scarcely in history an instance of so dangerous, and so general a conspiracy against a government being fully discovered, without any concerned in it having suffered, either in person or estate. One Payne, an Englishman, who had been the principal under-agent for king James, was seized in Scotland; and after suffering the rack, without discovering any thing, he was set at liberty. This moderation was, in a great measure, owing to the king's own sense of things. He found that the violence of the presbyterian clergy, and his abolition of episcopacy in Scotland, had been of great prejudice to his affairs in England; and the discontented lords, after they had obtained their pardon, represented to him that their chief

A pacification attempted in Scotland.

A.D. 1690. apprehensions arose from the well-known tyranny of the presbyterians there. They added, that if some indulgence was shewn towards the episcopal clergymen, who were willing to live on good terms with the established church, they would undertake for the submission of the Highlanders, and the removal of all farther opposition in parliament. Nothing could be more acceptable to king William's views than those proposals; and the madness of the presbyterians in their general assembly, gave him very bad impressions of their principles. Some writers, however, are of opinion, that the seeming acquiescence of the Jacobite lords was only with a view of betraying king William into a distrust of the presbyterians, who continued to be his best friends in Scotland, in order to bring about the restoration of king James. Be that as it will, young Dalrymple, who was a man of a much superior genius to the earl of Melvil, was made joint-secretary of state for Scotland, and was to conduct the moderate plan. The parliament was adjourned to the sixteenth of September, and the Jacobites made no opposition to any proposal for cutting off all dangerous correspondencies between Scotland and the continent. Some of the most avowed Jacobites were secured, and among them the earl of Home, Sir Peter Fraser, and Sir Æneas Macpherson. Even Cameron of Lochiel submitted to the government, as did the other heads

heads of clans. This pacification was chiefly effected by the agency of the earl of Breadalbane, who undertook it on promise of having fifteen thousand pounds sterling, to be distributed among those chieftains. A. D. 1690.

It was resolved to give some consistence to this tranquillity, by making farther alterations in the administration. One Mr. Johnston, who had resided at the elector of Brandenburg's court, was called home, and made joint-secretary with Dalrymple. Lord Melvil was made privy-seal, and Tweeddale chancellor. The earl of Lothian was appointed lord high-commissioner to the parliament, which was adjourned to the fifteenth of April. The earl of Crawford, at the same time, tho' very unfit for the post, was continued in the presidentship of the council. It was recommended to the general assembly to receive among them such of the episcopal clergy as desired to be admitted, and to concur with them in the government of the church; and instructions were sent down to dissolve the meeting, if it should prove refractory. The two parties, however, were irreconcilable. The episcopalists grew insolent upon the court favour, and the presbyterians pretended, that though the king could call a general assembly, yet he could not dissolve it; and therefore, after protesting against the dissolution, they adjourned themselves; a conduct which the king considered as insolent; and it

1691.
Alterations
in the ad-
ministration
there.

A D. 1691. added to his former prejudices against the party.

An account
of the massacre
of
Glenco.

The earl of Breadalbane, notwithstanding his progress in quieting the Highlanders, found he had undertaken an impracticable task. Such of their heads as had submitted to the government, had done it partly on account of the money they were to receive, and partly that they might be the better enabled to serve their abdicated sovereign. As they were of mutinous, jealous, dispositions, they suspected that the earl intended to appropriate great part of the money to his own use; and their suspicions were confirmed by his insisting on his being indemnified for certain depredations committed upon his own estates by Macdonald of Glenco. The opposition of the latter influenced the other chieftains, and the earl went to London to relate the inefficacy of his negotiation, and to return the money that was in his hands. The king had, by proclamation, offered indemnity to all the Highlanders who should surrender themselves, and take the oaths, by such a day, which expired with the year; but military execution was threatened against all who did not submit by the appointed time.

1692. The historians who have given us an account of the massacre that followed, appear to be shocked at the barbarity of the execution, but overlook the despotism of the proclamation which could enact such bloody penalties in a country

country subject to laws, the infringement of which had placed the king upon the throne. Macdonald, notwithstanding his obstinacy, repaired on the last day of the year to colonel Hill, governor of Fort William, to take the oaths; but that gentleman being only a military officer, sent him to Sir Colin Campbel, sheriff of the county, who administered them to Macdonald, a day or two after the time fixed by the proclamation was elapsed, the country being then covered with a deep storm of frost and snow. The representations of Breadalbane determined the king, who was ignorant of Macdonald's having taken the oaths, to give way to military execution being inflicted upon Glen-co and his tenants, who were then living quietly at home, on presumption of their having satisfied the government. This barbarous order being signed, and countersigned by the king's own hand, was sent by Dalrymple, secretary of state, to Livingston, who commanded the king's troops in the Highlands, with particular directions "for securing all passes in the valley where the delinquents lived, so as that none of them might escape; and that no prisoners might be made, that the execution might be as terrible as possible." Those orders were executed with a slow, but sure and barbarous, punctuality. One captain Campbel of Glenlyon, who seems to have been well fitted by nature for so black an enterprise, received a warrant from a superior officer

A. D. 1691. officer to march, with a company of Argyle's Highland regiment, into the valley of Glenco, on pretence of levying the taxes. This was in the month of February; and though Macdonald and some of his friends were, at first, not quite unsuspicious of their new guests, yet the commanding officer's assurances were so friendly, and his men lived upon such social terms with the inhabitants, that all animosities were forgot; and even the night before the massacre, Campbel and old Macdonald spent some hours together at cards. The suspicions of one of the younger Macdonalds were revived by certain indications, and he and his brother left the house to make what discoveries they could. These were such, from the talk of the centinels who were posted round, as to carry their suspicions into certainties; but before they could put their father upon his guard, the massacre was begun. The old gentleman was murdered in his lady's arms, who survived him but a few hours. A neighbouring gentleman, who had the government's protection in his pocket, shared the same fate; and a boy of eight years of age was coolly stabbed to the heart by one Drummond, a subaltern, while he was embracing his knees, and imploring his mercy. The whole number of the butchered (most of them in their beds) was about thirty-eight; and when the massacre was over, the houses of the inhabitants were set on fire, and their effects,

amount-

amounting to nine hundred cows, two hundred horses, besides sheep and goats, were driven to the garrison of Inverlochy, where they were divided among the assassins. As the butchering order extended only to males under seventy, there was no pretext for murdering the females; but they and their children were stripped, and turned naked into the fields in that inclement season and barren country.

It happened luckily that the weather prevented the other troops from securing the passes, so that the two younger Macdonalds escaped, as did such of the males who had vigour enough to take their flight: and we are told, that two officers were sent under arrest to Glasgow, for refusing to break their parole to Macdonald, or being accessory to the inhuman order. The number who escaped were about a hundred and sixty; but many of the women and children undoubtedly perished in the cold.

The representation I have given of this horrid affair agrees, in the main, with that published by the Scotch government; nor have the circumstances in which they differ ever been contradicted by the latter. Though nothing can be more horrid in a civilized country, than even the softened relation of such an affair, yet it ought to be placed among those unguarded acts of power that are unwarranted by principle. Tho' I make no doubt that the earl of Breadalbane was highly provoked at his being dis-

appointed

*Reflections
on the
same.*

A. D. 1692.

appointed in his negotiation, yet I see no reason to suppose that he advised the massacre ; for, by the best accounts I have received, he was far from being of a sanguinary disposition ; and that though he was difficult of conviction with regard to the legality of the Revolution, yet, upon the whole, he was a good patriot, and complied with the government upon the best of principles, that of establishing the tranquillity, and preventing the ruin of his country by the obstinacy of the Highlanders. As to king William, though I have no great predilection for his military education, yet I cannot think it probable that he would have so far forgot his own interest, to which he paid such attention that he erred rather on the side of lenity with regard to the Jacobites, as to have signed such an order, had he not been misled either by negligence or misinformation. His partizans have generally laid it upon the former, because he was too apt to sign papers without considering their contents. Allowing this apology its utmost force, I must be of opinion that national animosities operated but too strongly through the whole of this transaction. If the practice of torture was deemed legal, as it certainly was in the case of Payne, why not that of military execution by proclamation, as had been the common practice during the late reign ? and why are we not to suppose, that the massacre which followed was represented to his

his majesty, as being consistent with the laws of Scotland? If the presbyterians were guilty of the most inhuman butcheries towards the royalists under Montrose, as certainly was the case; if the latter, when they came into power, revenged themselves by an equal degree of barbarity upon the presbyterians, is it not reasonable to think that the latter, influenced by resentment, and smarting under their sufferings, would not avail themselves of their weight in the scale of power? It may be, perhaps, proper here to mention, that the same spirit of revenge prevailed at the same time in Ireland, and upon the like motives.

The massacre of Glenco had a prodigious effect to the prejudice of king William. The best affected of his English ministers received the accounts of it with horror; and the Jacobite party, both at home and in France, magnified every circumstance of its barbarity. The juncture was extremely untowardly for the whigs, whose credit daily declined among the English; but the dexterity of secretary Johnston, who now took the management of affairs, not only prevented matters from coming to extremities in Scotland, but promoted his master's service in that parliament. Some of the presbyterians were admitted into the inferior departments of business, and means were found to soften the duke of Hamilton, who accepted the high post of being king's commissioner in the ap-

A. D. 1692.
Proceedings
of the par-
liament.

proaching parliament. An alarm of a fresh descent by king James arriving in Scotland, the privy-council omitted nothing that could defeat it; and when the parliament was opened on the eighteenth of April, the members exceeded in their compliances with the crown. The truth is, many of the chief nobility knew that they were in the toils of the government on account of their practices with the court of St. Germans, where the abdicated king resided. This conviction was so strong upon their minds, that they durst not proceed to the trial of Payne, whom I have already mentioned, because he could make discoveries that would bring many of themselves into danger. Every thing, therefore, went smoothly on. Six new regiments were added to the standing force of the kingdom; and a supply of above a hundred and fifty thousand pounds sterling was voted for his majesty. Recruits were raised by act of parliament for the royal navy. All members were expelled who did not take the oaths to king William and queen Mary, and the subscription of the confession of faith, with an acknowledgment of presbytery being the only government of the Scottish church, were pressed upon the episcopal clergy, who refused both, and thereby forfeited all legal rights to their livings. Notwithstanding this, king William gave the viscount Tarbat, and his other ministers who were their friends, leave to assure them

them of his protection; which coming to the knowledge of the presbyterians, was of difference to his affairs, especially as the massacre of Glenco was still to be enquired into. A. D. 1692.

Little passed worthy of notice during the recess of parliament; but there is reason to believe that the Scots in general were in a very bad humour with the administration. The Jacobites were its enemies by principle, and the presbyterians seemed to be amazed that the king should make the least hesitation in complying with all their demands, or in dismissing every tory in both kingdoms from his councils. Great struggles had been made in settling the magistracy of Edinburgh, which were at last overruled by an act of the privy-council against the privileges of the city. The Scots complained, that the king took no notice of them; and that he applied, to other purposes, the money that had been granted for his army. It was, by the presbyterians, thought unaccountable that no vigorous proceedings were held upon the Jacobite plot, though it was well known to have been fully proved in parliament, and that nothing farther was done in the matter than the confining some suspected lords and gentlemen. Both parties, however, agreed in one point, which was the revival of their country's independency upon England. Being now freed from religious persecution, they had leisure to contemplate the benefits of trade; and it is

1693.
A new session of parliament.

A. D. 1694. amazing with what unanimity all degrees and persuasions of men among the Scots, ran upon commercial schemes. The bitterest invectives were published against the continental war, which had cost the nation a hundred and fifty-six thousand pounds sterling; and the state of affairs in England did not admit of the court-party acting with any vigour against the malecontents. Necessity, however, dictated that another session of parliament should be soon held, and the dukes of Hamilton and Queensberry, both of them leading noblemen, but of very different casts, dying in the mean while, the marquis of Tweeddale was appointed the king's commissioner.

§ proceed-
ings.

His majesty could not have made a better choice than he did of that nobleman, for he was master of great temper, long experience, and acknowledged accomplishments. It was thought necessary for the king to promise every thing to re-establish his own and his ministry's credit with the Scots. In his letter to the parliament, he paid the members the compliment to regret that he could not reside among them in person. The commissioner was instructed to promise, in his speech, that the presbyterian government of the church of Scotland should be maintained; and "that if the members found it would tend to the advancement of trade, that an act should be passed for the encouragement of such as should acquire and establish a plan-

plantation in Africa or America, or any other part of the world, where plantations might be lawfully acquired; and that his majesty was willing to declare, he would grant to the subjects of this kingdom, in favour of these plantations, such rights and privileges as he granted in like cases to the subjects of his other dominions." Many other flattering promises were added, particularly with regard to a commission for the admiralty; and the earl of Annandale lord president confirmed and enforced all that had been said by the lord chancellor. Those speeches had the desired effect. A dutiful answer was voted to the king's letter; and an address of condolence for the death of the queen, which happened during the recess. Two committees were appointed, a loyal one for the kingdom, and a patriotic one for the encouragement of trade.

The massacre of Glenco had not yet been enquired into. A precognition (a civil-law term, which is somewhat akin to the business of an English grand-jury, but not so fair, or so excellent an institution,) was ordered under the great-seal, to be taken upon that affair. The parliament, for the massacre was too horrid to be publicly vindicated by the most rigid party-man, thanked his majesty for issuing the commission, tho' I cannot see with what propriety, if the precognition fell within the ordinary course of justice. A committee was appointed,

and

Enquiry into
to Glenco.

A.D. 1694. and made their report. It appeared thereby that the earl of Breadalbane had, in treating with the Highlanders, gone rather too great lengths in professing himself a Jacobite. He was sent prisoner to the castle of Edinburgh, though he had pleaded his pardon, and that he had king William's leave for all he did. This allegation was so true, that the king gave him a new pardon. The report of this committee bore hard upon secretary Dalrymple, now lord Stair. It appeared plain, that that statesman had not got rid of those feudal principles, that tend to the most unjustifiable revenge. In his letter to Sir Thomas Livingston he said, that he was glad that Glenco did not come within the time described for taking the oaths ; which was saying in other words, that he was glad he and his people might be legally marked out as objects of massacre. It is certain, however, that secretary Johnston, and many members of parliament, had destined Dalrymple to destruction ; tho' they knew that he could not be censured without affecting the king's honour at the same time. Johnston was in the secret of the whole affair, and privately pointed out to his partizans, the papers they were to call for. The course of the enquiry was excessively unfavourable to Dalrymple, and those concerned in the massacre. It appeared that king William in his instructions, intended to leave a door open to the most desperate of the rebels for mercy, upon
their

their taking the oath of allegiance. The parliament voted that Dalrymple's letters exceeded the king's instructions; and the king was addressed to send home the most active of the officers and subalterns, who had been concerned in the massacre, that they might be tried. The censure of Dalrymple (or, as he is called, the master of Stair) was referred to the king, for the vindication of his government. The king, notwithstanding the detestation in which he held the massacre, did not think proper to proceed to extremities. No censure was inflicted upon secretary Dalrymple, and the officers, instead of being punished, were preserved.

While those and the like transactions were depending, levies were going very briskly on in Scotland, for supplying the waste of war in Flanders; and no fewer than seven thousand men were shipped from the port of Leith in that country. It is scarcely credible that the little barren rock called the Bass, held still out against the government. The garrison consisted of no more than thirty-two desperadoes, who subsisted by little excursions, either by land or sea, in which they plundered ships and passengers. In one of those adventures, three of them were taken and condemned to death, together with two of their accomplices. No more than sixteen of the garrison were then upon the rock; and the danger of their companions rendered it a point of honour with them to demand

Scotland
supports
king William's
war.

A.D. 1695. mand a capitulation, which was not only granted to them and their companions and accomplices (even those who were under sentence of death) but the remainder of the garrison were permitted to depart with their swords and baggage. I mention this circumstance, tho' otherwise trivial, to shew how very weak the executive power in Scotland was, at a time when she was furnishing a numerous army to carry on a war, in which she had no manner of concern.

A trading
company
projected in
Scotland ;
but

The Scots in general were far from being insensible of the little regard that was paid to their internal policy ; for the parliament had, at this time, voted nine thousand men to be raised yearly, for recruiting the Scotch regiments abroad. Nothing could reconcile the Scots to those measures, but the flattering prospect of acquiring riches in the channel of trade. One Paterfon, a shrewd projector, had, for some time, resided in England, and had been witness to the opposition which the new East-India company had met with in obtaining their charter. He immediately formed the scheme for a Scotch company, which was to trade to Africa and both the Indies. This plan, at first, was treated as being too romantic to be practicable ; but the chief objection was the poverty of the country. It was represented, on the other hand, that Scotland was an independent crown, and was entitled equally with England to erect
a trading

a trading company; that the same powers subsisted in the Scotch as in the English parliament; and that English and foreign merchants, particularly those of Hamburgh, would soon supply money more than sufficient for establishing the company. Secretary Johnston, a son of that Wariston, who was executed in the reign of Charles the Second, encouraged the proposal, and laid it before the king, as the only means of gaining the Scots to his interest. The committee of trade, accordingly, in consequence of the powers that had been granted to the commissioner, by the king, prepared an act for establishing a company trading to Africa and the Indies; with the very extensive privileges of planting colonies, holding cities, towns, and forts, in places uninhabited, or in others, with the consent of the natives, exempting the merchants, for twenty-one years, from all duties and impositions, and rendering the trade exclusive. Letters-patent were directed by the parliament to be expedited under the great-seal, confirming this act, without farther application to, or warrant from, the crown.

It is scarcely to be credited how eagerly shares in this new company were sought for. Paterfon's scheme was plausible, and entirely within the description of the act. He had discovered, that great part of the Isthmus of Darien in America never had been settled by the Spaniards; and was either void of inhabitants,

A. D. 1695. or inhabited by a race of people who were enemies to Spain, and wanted to shake off her yoke. On this spot he had projected his future settlement. After some favours shewn by the parliament to the episcopal clergy, and establishing a national bank, which still subsists, for encouraging trade, the lord commissioner, in a most gracious speech, adjourned the parliament to the seventh of November following.

opposed in
England.

All those were specious, but fallacious, appearances. The Scots, it is true, had secured the erection of their company as firmly as law could make it; but they paid no attention to any national system but their own. Two great powers in Europe, not to mention France and Holland, were deeply interested in the destruction of the Darien company; I mean England and Spain. The reader can easily perceive, considering the immense expences at which the English East-India trade was carried on, what advantage the Scotch company, if established, had in underselling them in all parts of the globe, and in smuggling their goods into England. The situation of the intended company was such, in time, as to command the whole commerce of Spain, both in the south and north seas. Those considerations were enforced by many additional untowardly circumstances. Neither king William, nor the Dutch, durst venture to break with Spain; and the heads of the opposition in England thought the juncture was favourable
for

A.D. 1695.

1695.

for attacking the earl of Portland, king William's favourite, by whose influence it was known that the king had resigned to the Scotch parliament all his powers and prerogative in the establishment of the Darien company; nor did he at all scruple to affirm that he had been imposed upon in the affair. All those matters were stated in a strong remonstrance presented, by both his houses of parliament in England, to his majesty. His answer was, that he had been ill served in Scotland; but that he hoped some remedy would be found to prevent the inconveniencies of which they were apprehensive. Notwithstanding this answer, which shews plainly the perplexed situation the king was in, the English house of commons came to many severe resolutions against the Darien company, and found, "That the directors of the company of Scotland, trading to Africa and the Indies, administering and taking here in this kingdom, an oath de Fideli; and, under colour of a Scotch act of parliament, stiling themselves a company, and acting as such, and raising monies in this kingdom for carrying on the said company, were guilty of a high crime and misdemeanor; and that the said directors [Here the names were inserted] be impeached of the said high crimes and misdemeanors." One Mackenzie, who had been an agent, and an evidence in the affairs of the Scotch company, being called upon to make

A. D. 1696.

good his allegations, that he might bring them home to the persons of the impeached, absconded : and tho' a price was set upon his head, he could not be retaken.

Proceedings
of the
Scotch par-
liament,

In the mean while king William had discarded his commissioner Tweeddale, and his secretaries Johnston and Dalrymple, who were succeeded by the lord Murray, son to the marquis of Athol, who was soon after created earl of Tullibardine, and appointed his majesty's high commissioner to the Scotch parliament. Upon its meeting, great dejection and distrust appeared among the members, who began to be apprehensive of the king's firmness in supporting their favourite company. They were, however, wise enough to conceal their uneasiness, by falling in with the court measures. They signed an association for the support of the government, in imitation of one which had lately passed in England on account of Jacobite intrigues. They passed other acts for the security of their religion, lives, and properties, in case of his majesty's death. They voted an hundred and twenty thousand pounds sterling for paying their forces by sea and land ; and they obliged all persons in public trust to subscribe the association. Those dutiful measures were forwarded by the duke of Hamilton, who, when earl of Arran, had distinguished himself for king James, and other leading Jacobites, in hopes of being able to embarrass the government. It happened,

ed, however, at this time, that two years of A.D. 1696. most dreadful famine had sunk the spirits of the Scotch commonalty, and forced numbers of them to take refuge in Ireland; so that the Jacobites, tho' very considerable in rank and property, could make no appearance in the field. The importation of provisions, tho' in direct contradiction to a former law, was voted, under a clause of indemnification; and the parliament rose on the ninth of October, after a session of thirty-one days.

The lord Polwarth, whom I have already mentioned by the name of Sir Patrick Hume, was now chancellor of Scotland, and deservedly entrusted with a large share of the management of affairs in that country. The truth is, it required great address and moderation at this juncture to keep the Scots within the bounds of their duty to the government. Their company had met with extravagant encouragement, notwithstanding the opposition it had encountered from the English house of commons. This had alarmed the Dutch; and the king himself, to the irreparable reproach of his administration, became a party against them, by ordering his minister at Hamburgh to present a memorial to that senate against the Darien adventurers. During all the vacation of parliament, the nobility and gentry of Scotland had made their favourite company their only object. They talked of his majesty's inconstancy in

1697.
and of the
new com-
pany.

A. D. 1697. in not very becoming terms, and accused the English parliament of jealousy and injustice. Three hundred thousand pounds sterling had been subscribed in England; and a fourth part of the money had been paid in. The merchants of Hamburgh had actually offered to join them with two hundred thousand pounds; and notwithstanding the representation of the English minister, and the king's menaces, they still shewed dispositions for fulfilling their engagements.

They represent
their griev-
ances in
vain;

All those, and many other grievances, were digested into a petition, which the managers of the company had presented to the parliament, when it met, under the earl of Marchmont, late Polwarth, as commissioner; by which it appeared the preparations for the new settlement, notwithstanding all its discouragements, were in such forwardness, that Scotland must be ruined if it did not succeed. Their petition was favourably received by the parliament, who, on the fifth of August, voted a representation to the king, entreating him to support the rights of the company. This representation was seconded by a petition from the company itself; and both those papers contain very stinging reflections upon his majesty's conduct, under the plausible appearance of thanking him for his repeated assurances of protection. Such heats, however, arose in the parliament, that the commissioner was obliged to adjourn the session from the beginning

A. D. 1697.

ginning of September to the fifth of November. During this recess the company addressed a letter to the earl of Seafield, who was then secretary for Scotland, and residing in London, in which they bitterly complained of the usage they had met with; but tho' that statesman had been a great patron of the company, all the answer he returned was, that the king was so busied with his English parliament, that he had, at that time, no leisure to attend to the representations from Scotland. The directors were not discouraged even by this very cold answer, and continued to act in full opposition to the king and his English ministers.

Four large ships had been built at Hamburg, and were taken into their service. They were loaded with all the proper merchandize for their destination, with artillery and military stores; and no fewer than twelve hundred seamen and soldiers were embarked on the expedition. The kingdom of Scotland had never been engaged in such an enterprize; and indeed the expences the company were at, exclusive of the foreign adventurers, were far greater than their country could bear; not to mention that their seamen and soldiers were all picked men, and the flower of Scotland. The capital ships, and their tenders, sailing from the Frith of Forth on the seventeenth of July, went round by the Orkney islands; and having taken in some provisions at Madeira, they steered their course towards

1698.
but set sail
for and ar-
rive at Da-
nica.

A. D. 1698. towards Crab-island, a small spot which might have been convenient for their purpose, as lying in the neighbourhood of St. Thomas, between Santa-Cruz and Porto-Rico; but king William had taken his measures so well, that the Danes opposed their landing, so that they were forced to proceed directly to the Isthmus of Darien, under the guidance of Paterfon, who seems to have prepared every thing for their reception by the natives. If we are to believe the accounts sent home by the settlers (which I do not find were ever contradicted by any good authority) no settlement had ever a more favourable appearance at first. The country was a perfect paradise. The inhabitants lived with them both like subjects and brothers; and no traces of a Spanish government were to be discovered among them. A harbour, which they took possession of near Golden-island, was declared to be free; and every commercial advantage was opening to their view, when all their hopes were dashed by the combustion which was raised in England against their enterprize. The Spanish ambassador Canales presented to king William a flaming memorial against it, as disrespectful to his master, and a breach of peace between the two crowns, as Darien belonged to that of Spain. The French offered to lend the court of Madrid a squadron to dislodge the new settlers. The Dutch applied to his majesty, in the most moving terms, as if their trade

to America and both the Indies, was upon the point of ruin, and the foundations of the new colony were said to stand on mines of gold and silver. A.D. 1698.

It was in vain for the emigrants, in an humble application they sent over to his majesty, to plead that they had done nothing but under the fullest sanction from him and the parliament; that the natives of Darien, instead of being the subjects, were the determined enemies of the Spaniards; and that the pre-occupation of the Scots had prevented the French from settling on the very same spot. King William paid no regard to those representations; and the juncture was such, on account of the partition treaty, and the succession to the crown of Spain, that he had measures to observe even towards France. He had the most dreadful apprehensions from the designs of the Scots; and he was informed that the whole was a Jacobite project to make him break with Spain, and to ruin himself with the Dutch and the English. The daily accounts he received of the great spirit, and the vast sums with which the Scots were enabled to support their settlements, added to his apprehensions. It was well known that before the first expedition failed, great part of the provisions were spent; and of two other supplies which had been sent out at a prodigious expence, the chief ship, laden with provisions, was burnt.

1669.
State of the
Darien set-
tlement,

A.D. 1699.
which is
totally ruin-
ed.

The readiest method, therefore, to destroy the new settlement at Darien, was to order the English governors at Jamaica and the Leeward islands, to hold no intercourse with the Scotch settlers; and proclamations for that purpose, under the severest penalties, were published at Jamaica, Barbadoes, New-York, and New-England. The first emigrants, by those measures, were so effectually distressed for want of provisions, and all necessaries, that they were forced to abandon the settlement. The loss of the ship, with the provisions, disabled the second body of settlers, and a third embarkation, more powerful than either; when landed, fell into such heats among themselves, that they were unable to make head against a small body of Spaniards, who had advanced to attack them; so that they were obliged to capitulate for leave to retire; and thus ended all the golden dreams of the Scots from this settlement. I may venture to say upon the whole, that the projectors, if in earnest for its success (as most of them undoubtedly were), knew very little of the world, if they thought that the acts and authority of a Scotch parliament were strong enough to support their settlement against the united efforts of all the commercial part of Europe and America. As to the sanction that had been given by the king to their project, a ready salvo was found for it, which reconciled the breach of it entirely with his duty to his

English

English subjects; "the king can do no wrong; and whatever is amiss is to be imputed to his ministers." King William made no scruple to own that he had been imposed upon, and therefore that he was at liberty to retract all he had done. As to the validity of this apology, when applied to the Scotch constitution, I must refer the reader to the preceding history. The settlers, it is plain from all their proceedings, never doubted, that the royal and parliamentary sanction were sufficient warrants for their settlement; but they were so short-sighted as not to foresee the unsurmountable opposition they were to encounter.

A. D. 1699.

The distress of Scotland, when certain accounts came that the Darien project was irretrievably ruined, was greater than that arising from the loss of a victory. Thousands of families who had ventured their all were reduced to ruin. Their country was depopulated of her best hands; every sinew of her strength was cramped. Her foreign credit was absolutely destroyed, and all her neighbours were her enemies. Their poor countrymen abroad were enslaved and imprisoned by the Spaniards, or starving in the English settlements; and when the council-general of the company desired lord Basil Hamilton, as their deputy, to procure some relief at the court of London, the king refused to see him; but ordered his secretaries to give some vague excuses and promises, which were

Distress and
resentment
of the na-
tion on that
account.

A. D. 1699. of very little importance, and never fulfilled. The company were not discouraged, even by this treatment, and pertinaciously insisted upon redress. This drove the king to ask for a vindication of his conduct in the English parliament. In the house of peers, a very obstinate debate was carried on. The courtiers were baffled in every argument; but, at last, by a majority of thirty-two against twenty-six, it was voted, That the settlement of the Scotch colony at Darien was inconsistent with the good of the plantation-trade of England. An address was voted in consequence of this resolution, in which his majesty's orders, sent to his American governors, were vindicated. With this address, however, when carried down to the commons, the latter would not concur. The general opinion, with men of sense, on both sides, was, that those differences were encouraged to produce a rupture between the two nations; and the court-party, therefore, found it necessary to fall upon some expedient, if possible, to soften the Scots, who appeared to be so intractable, that it was only the want of power that prevented their entering upon open hostilities. Pamphlets were published, abusing the king in the most atrocious manner, for his duplicity, and for his being the author of all the calamities that Scotland suffered; and rewards were offered by the English parliament to dis-

cover

cover the writers ; but all was to no purpose for settling the national ferment. A. D. 1700.

The king's ministers, to amuse the Scots, prepared a bill for appointing commissioners to treat with those of Scotland about a national union, in consequence of his majesty's recommendation. The commons could not be prevailed on to pass this bill ; and it stuck in their house. The marquis of Tweedale presented another stinging address to his majesty, in the name of all the nation of Scotland, praying that his majesty would order his Scotch parliament to meet as soon as possible ; but his answer was, that it could not meet before the seventeenth of May next ensuing. It does not belong to this history to enter into all the English and foreign management, which tended to promote the misunderstanding between the two nations. The majority of the house of commons, and indeed the bulk of the English nation, had a secret antipathy to the Dutch, who, they thought, engrossed all the king's affections, and would willingly have wounded them through his side ; and this ill humour was fomented by the Scotch Jacobites, who now became very considerable. The national resentment was increased by other publications and addresses, industriously circulated all over the kingdom, and subscribed by the freeholders and electors of parliament men, justifying the principles upon which the Darien expedition was undertaken, and

A.D. 1706 and carried on; and demanding vengeance upon its enemies. The majority of the parliament, by this time, had declared themselves against the court; and a deputation, with lord Rofs at its head, was appointed to carry the national grievances to the foot of the throne. The commissioner, duke of Queensberry, one of the wisest and most insinuating ministers of that age, advised the king, who found that his adjourning the parliament only encreased the public discontent, to sweeten the Scots, by a letter sent to himself and the privy-council, condoling with them upon their losses, and promising to do every thing that could tend to the wealth and prosperity of that his majesty's antient kingdom. This letter was so far from having the desired effect, that it is said the duke of Hamilton, and about a hundred noblemen and gentlemen, joined in a letter to the late king, promising him their services whenever he should call them to the field.

Manchester's letter to Mr. Vernon, Sept. 18.

Discontent of the Scots.

Tho' there is reason to believe that such a letter never was sent, yet there can be no question that king James had, at this time, a very formidable party in Scotland; and that, had not the Scots been discountenanced by Lewis the Fourteenth, for their warm resolutions against making use of French commodities, a rebellion must have been the consequence. They were amazed at the conduct of the court of St. Germain's, where they were treated with the greatest

greatest scorn and indignity; but friendless, impoverished, and exhausted, as they were, they treasured up their wrath, especially as fresh promises arrived from court daily, that nothing should be wanting to give them content. The admirable temper and address of the commissioner could do no more than preserve appearances. He obtained, indeed, a loyal address, that the members would support his majesty and his government, and maintain such forces as should be requisite for those ends; but this was upon the supposition of their grievances being redressed; which, in a fresh address, they represented to be such as called for a new revolution.

The army was reduced to three thousand; but eleven hundred more were granted to the king on his own account; but even those votes could not be obtained without the most artful distribution of money and places. The earl of Argyle's merits were such in Scotland, as procured him the title of a duke, at the same time that the duke of Queensberry received the honour of the Garter.

*Reduction
of the army.*

The affairs of Europe, at this time, were in a most deplorable situation. The partition-treaty had thrown England into a flame; and the death of the duke of Gloucester had left the succession to the crown of England doubtful. France was on the point of becoming mistress of the Spanish monarchy, by the

*Affairs of
Europe, and
death of the
duke of
Gloucester.*

A. D. 1706. the death of that king, who was past recovery, and who actually died on the eighteenth of October this year, leaving his dominions to the duke of Anjou, second son to the dauphin. The tory party, both in England and Scotland, had privately sent assurances to king James, promising to settle the succession upon his son, the prince of Wales; and it was thought that the princess Anne herself held a private correspondence with her father.

The more the distresses of Europe and England increased, the nation of Scotland became of the greater importance. She still could command men of courage and resolution, whose services might add a decisive weight to either scale; and, indeed, the preservation of her internal tranquility and liberty, at this time, was next to miraculous; and chiefly owing to the bigotry and mismanagement of the court of St. Germans, where the deluded king James and his wife would have seen their son under a tomb-stone, rather than a crown, if it was to be obtained by the smallest concession, in favour of civil or religious liberty. The friends of the Revolution in both kingdoms were fully sensible of the peril in which the constitution stood, and turned their thoughts in earnest towards an incorporate union between the two crowns. Even king William himself began to treat the Scots with greater consideration than ever, especially after the discovery of a letter
written

written by the earl of Melfort to his brother the earl of Perth, the two blundering ministers of James and the evil genii of his crown and party. This letter contained a project formed by Melfort, for invading England; and when it was printed, it exasperated the French ministry so much, that Melfort was banished to Angers. In the mean while, the succession to the crown of England was, by act of parliament, settled upon the princess Sophia, electress of Hanover, grand-daughter to James the Sixth, and her issue, as being the nearest protestant heirs to that crown. This settlement was protested against by the duchess of Savoy, grand-daughter to Charles the First, and, after James and his family, the next heir in blood to both kingdoms. It was easy to perceive, that, considering the state of the public, both at home and abroad, this settlement must create prodigious convulsions, unless the Scots followed the example of the English. The Tories were then at the head of king William's administration, and had carried the prosecution against the Whig lords, on account of the partition treaty so far, that they had brought that king to own the duke of Anjou as king of Spain. The death of king James, on the 16th of September, opened a new and more dangerous scene of affairs.

A. D. 1702.

The crown of England settled on the house of Hanover.

Death of king James.

He had, ever since his abdication, lived in a manner unworthy not only of a monarch, but

A. D. 1701.

a man. He became a slave to the slaves of ignorance, superstition, and bigotry, and seemed to have no sensations but what he inflicted upon himself with the cords of a whip termed, in the papal language, a discipline. He lost no opportunity of endeavouring to re-mount his throne, but it was not so much with a view of restoring himself to his dignity, as his kingdoms to popery. He was the most melancholy example in history how far human nature can be depraved by priests and jesuits. They instructed him that his life was so important to the preservation of popery, as to make it a religious duty in him not to expose it to danger; and thus, from being an active intrepid prince, he became a melancholy dejected coward. If we set aside all consideration of his religion, he was well qualified to be a king of a commercial people; for he understood trade: and his judgment, though not bright, was solid in matters of government. If he indulged himself in any abstraction from his devotions during the last ten years of his life, it was in hunting; and he is said, before his death, to have resigned all the severity he used to practise towards those about him; but to have recommended with his last breath to his son, who most punctually followed his advice, to prefer his religion (meaning popery) to all worldly considerations. After saying thus much, the reader scarcely needs to be informed, that this
unfor-

unfortunate prince died in, what the jesuits call, A.D. 1702. the order of sanctity.

James was so peculiarly circumstanced, that though his situation required the greatest abilities in his followers and ministers to retrieve his affairs, yet he had not about his person, at the time of his death, a man of common sense or honesty, if we except the earl of Middleton, who was a protestant, and had followed his fortunes through a principle of gratitude. This nobleman not only served him faithfully, but had the courage to oppose the torrents of madness and bigotry that broke into his master's councils through the channels of the jesuits and their two votaries Perth and Melfort. James, in another respect, was well served by his queen. She was a beautiful and insinuating Italian, and knew the weaknesses of the French king's wife, who was then alive, and his mistress madam Maintenon; so that Lewis, in breach of his public faith, was brought to declare to James, while the latter was on his death-bed, that he would recognize his son's title, which he accordingly did almost as soon as the breath was out of the father's body. The flame and indignation which this raised in England is almost inexpressible, and properly belongs to that history. The situation of king William and the whig party in England did not suffer them to resent the indignity so quickly as they ought. King James's queen insisted upon her son's royal

His son
proclaimed
in France.

A. D. 1704. titles being immediately proclaimed at St. Germain. It was in vain for the earl of Middleton to remonstrate against the performance of this ridiculous ceremony, as the title of France was among those of the kings of England; and he absented himself from the ceremony, though I believe that the title of France was omitted in the proclamation. The earl of Manchester, the English embassador, had orders to leave the court of France, as the French agent did that of England; and every thing bore the appearance of a rupture between the two nations; when king William fell ill of the sickness which soon after put an end to his life.

Death and
character of
king Wil-
liam.

His majesty had been long in a bad habit of body; and the necessity of an union between England and Scotland, for establishing the protestant succession, was so striking, that the earl of Nottingham, who had never been reckoned a whig, publicly moved for an address to the king to dissolve the Scotch parliament, in order to remove all disputes about its being no more than the continuation of a convention; and to call a new one for the establishment of a foederal union. Though king William was sensible that he had but a few days to live, yet he acted as if he had been immortal. While last abroad he had completed the greatest confederacy against France that ever yet had existed in any age. He had brought his allies into spirit and unanimity; and, upon his return to
England,

England, he found parties there however differing in other respects, united in sentiments for a war with France. When he was too weak to go to parliament, he sent a message to the Commons, recommending the union to their consideration. An accident which he got by falling from his horse and breaking his collar-bone is thought to have hastened his death, which happened at Kensington on the 8th of March 1702. A. D. 1702.

1702.

The character of this prince, as stadholder of Holland and king of England, the glorious opposition he made to the power of France, his affection to his own country, his indifference as to parties, his military abilities and personal intrepidity, are well known to every reader of history. His character as a king of Scotland is far more questionable. He had conceived prepossessions against the earl of Argyle, and the strict presbyterians, though the best friends he had in that country, and their behaviour was far from removing them. Till towards the latter end of his life he seems never to have considered Scotland in a much better light than that of an appenage to England. Though I have endeavoured partly to remove the prejudices conceived against him on account of the concern he had in the horrid massacre of Glenco, yet I cannot vindicate his screening the immediate agents of it from the public resentment. His conduct in the affair of the Darien

A. D. 1702. Darien company was by far more indefensible. Without examining into the policy or rectitude of its establishment, he was undoubtedly engaged in honour, if he could not protect the adventurers, to have indemnified them, and to have at least saved them from ruin, not to mention the general calamity which the miscarriage of their expedition brought upon the whole nation. In short, though the Scots under him may be said in some measure to have recovered their civil and religious rights, yet they lay under the inexpressible disadvantage of being successively governed by ministers who differed in their interests, principles, and politics. All that can be said in extenuation of this charge upon his memory, is, that he was a stranger to their country; yet he ought to have been none to the feelings of humanity, and to what was expected from the public faith of a sovereign.

Measures
for settling
the union.

Notwithstanding the prodigious arrangements that had been prepared by king William, the union of Scotland and England was the great object of queen Anne and her ministry at the time of her accession to the throne. The Jacobites of Scotland had formed such false ideas of that princess, that they thought the restoration of their young master was almost inevitable, and the presbyterians were proportionably dejected. Marchmont was then lord chancellor, the earl of Melvil president of the council, the duke of Queensberry privy-seal, the earls of

A. D. 1702.

Seafield and Hyndford secretaries of state, the earl of Selkirk register, and inferior officers of state were held by staunch revolutionists. They were by no means popular, and were so much afraid, that they applied to queen Anne to have the same parliament continued, because they durst not venture upon a new one, which, to the great disappointment of the Jacobites, was agreed on, and the duke of Queensberry was appointed high commissioner. Upon the meeting of the parliament, the duke of Hamilton, who was at the head of the Jacobites, objected to its legality, and having protested formally against its proceedings, he withdrew with seventy-nine members of the first rank in the kingdom, both as to birth and fortune. I shall not examine into the legality of the assembly, which seems to have been warranted by the practice of the late reign, and indeed by the constitution of Scotland. The secession had been made amidst the acclamations of the people, and the seceders retired in a body to a common tavern, where intoxication seems to have presided over all their consultations.

A secession
in the
Scotch par-
liament,
which not-
withstand-
ing conti-
nues to sit.

The administration, amidst all the intemperance of public disturbances, proceeded with astonishing calmness and firmness. They voted themselves to be a legal parliament, and omitted no measure that could secure their own dignity and religion; for they made it high treason to dispute their authority, and they enabled her
majesty

A. D. 1702. majesty to name commissioners for treating of an union. Such of the patriots of Scotland as were the real friends of liberty knew the influence which the tory principles then had in the cabinet, headed by the earl of Rochester, the queen's uncle. They suspected that the tories intended to keep the matter of the Scotch succession open in order to over-awe the whigs; and the earl of Marchmont, without entering into any party-considerations, brought in a bill for abjuring king James's son in the same manner as had been done in England. This was a trying point. The sentiments of the commissioner were against it, and he had no instructions on the head; so that he adjourned the parliament, after thanking the members for their unanimity, which indeed was wonderful.

Conference
about the
union,
which break
off.

Mean while the seceders deputed the lord Blantire as their agent with the queen, but she refused to see him; and the lord advocate of Scotland prosecuted the dean and faculty of advocates for having passed a vote among themselves in favour of the secession. The queen being armed with the powers of naming commissioners for the union, nominated twenty-three English and twenty Scotch, consisting of the principal nobility and gentlemen of both kingdoms, who met at the cockpit Whitehall, on the 22d of October. It is to the honour of the Scotch revolutionists, that they treated in every respect upon a parity with the English

com-

A. D. 1702.

commissioners, in regard both to their country and themselves. The first proposal given by the duke of Queensberry, was, "That both nations should be united in one monarchy, and one parliament, with a mutual communication of trade and privileges." This was the basis of all the future negotiation, and was agreed to by the English; but the variety of particulars into which it was branched, necessarily gave some stop to the conferences. These met with none from the capital article proposed by the lord keeper of the great seal of England, "That the two kingdoms should be inseparably united into one monarchy, under her majesty, and her heirs and successors, and under the same limitations, according to the acts of settlement." The queen, on the 14th of December, paid a visit to the commissioners, and made them a speech, tending to encourage and quicken their deliberations. These however were soon discontinued by the Scotch commissioners giving in proposals for preserving the rights and privileges of their company trading to Africa and the Indies, or what I have generally called the Darien company. Thus an end was put to this commission.

It is difficult to determine whether the queen did not think she had been imposed upon by the English whigs; for an alteration in the Scotch ministry soon succeeded. The earls of Marchmont, Melvil, Selkirk, Leven, and Hyndford, were laid aside. The earl of Seafield, who was

*Changes in
the Scotch
ministry.*

A. D. 1702. the offer of the times, and plied with every gale, but professed himself a revolutionist, was appointed chancellor. The duke of Queensberry and lord viscount Tarbat were declared secretaries of state. The presidentship of the council was given to the marquis of Annandale; and the earl of Tullibardine, who was afterwards duke of Athol, was made lord privy-seal. The inferior departments of state were in general bestowed upon ancient revolutionists; and it was thought that their having opposed king William's measures was a sufficient recommendation to the queen and her English ministers.

1709.

It was found absolutely necessary to assemble a Scotch parliament in the spring of this year; for the complexion of the queen, and her English ministry, had rendered it impracticable to carry into execution the arrangements made in the last parliament for collecting the revenue, and settling the nation. The acting parties in Scotland were then divided into seven classes. The first were the revolutionists, who were firm and consistent in their proceedings; but few of them, besides the earl of Marchmont, were men of principle; and even the duke of Queensberry was thought to be influenced by the state of politics at court. The second were called the country party, and pretended to oppose the union, in order to maintain the independency of their crown, insisting at the same time

State of parties in Scotland.

time on ample satisfaction for the miscarriage of the Darien expedition, the massacre of Glenco, and other grievances, which Scotland suffered in king William's reign. A third party was that of the Jacobites, who were headed by the earl of Home. It consisted of almost all the episcopal clergy; and formed a numerous body in the northern counties. The two last mentioned parties often coalesced, as they agreed in the point of opposition to the court; and it was generally supposed, that many of the country party would have fallen in with that of the Jacobites, had it not been to save their estates, which must have been endangered by their openly declaring for the abdicated family.

An affectionate answer returned by the queen to an address of the episcopal clergy, encouraged the Jacobites so much, that many of them took the oaths to qualify them for the elections. The earl of Seafield, on the other hand, was sent down as agent for the whigs, both English and Scotch; and acted with so much address and dissimulation, that he not only procured numbers of revolutionists to be chosen into parliament, but secretly persuaded several Jacobites that he was their friend, in his heart. They were infatuated enough to believe that the duke of Queensberry was the same; and several of them chose to throw their election-interest into that scale, rather than into that of the country party, which was headed by the duke

A. D. 1703. of Hamilton, the irreconcilable enemy of the duke of Queensberry.

Proceedings
of, and de-
bates in, the
new parlia-
ment.

The parliament opened on the sixth of May; and the high-commissioner, Queensberry, who had gone far in his promises to the country party, found himself under inexpressible difficulties. The duke of Argyle, and the earl of Marchmont, attached themselves to revolution principles, which they perceived were very little regarded, even by the country party, who insisted upon the redress of grievances taking the lead of all other proposals. This was plausible and popular; and nothing was omitted that could give the queen a good opinion of their loyalty to her person. Several acts were presented, one particularly by the duke of Hamilton, for recognizing her right; and, after debate, it was voted high-treason to oppose it, or the exercise of her government. Many debates ensued, and many bills were offered; and among others, one for a supply, which was presented by the earl of Home. The marquis of Tweeddale moved for an act declaratory of the conditions of government, and the principles of the constitution, previous to all other business; but it was to take place after the decease of her majesty, and the heirs of her body. The sudden turn of the Jacobites, in moving for a supply, added to the commissioner's perplexities; the duke of Argyle, and his friends, declaring they would agree to no motion which came from that quarter;

ter; and insisting upon a parliamentary ratification of the Revolution, and the presbyterian government in the church. The various acts that were presented, and applications that followed, are of very little consequence to history at this time, and serve only to shew how disjointed the state of parties then was, and how little confidence subsisted among the country and Jacobite members. The whigs were more united, and talked in a tone of resolution; so that the earl of Marchmont carried his bill for preserving the protestant religion, and the presbyterian government; as did the duke of Argyle his, for ratifying and preserving the first act of king William's parliament, and for declaring it high-treason to disown the authority of that parliament, or to alter or innovate the claim of right, or any of its articles.

The queen, previous to the meeting of this parliament, had issued an act of indemnity to all who had been enemies of the government, and guilty of treason, since the Revolution, with liberty allowed them to come home. Many of the Jacobites had returned from abroad under sanction of this indemnity; and all of them were so much convinced that the commissioner was their friend, that they became his creatures. Mr. Lockhart of Carnwath, who was himself a profest Jacobite, but the most sensible man of the party in parliament, composed the memoirs of that time; but, like other memoir writers,

Policy of
the com-
missioner,

A. D. 1703. writers, he presumes a great deal upon his own authority; for he represents the duke of Queensberry as entering into the closest connections with the Jacobites. Though this perhaps is going too far, yet I believe the duke was so much of a statesman, that he found means to gain the confidence of the party, but without any positive assurances; and undoubtedly his address, joined to the firmness of the duke of Argyle, and the earl of Marchmont, established the union of the two kingdoms, and the protestant succession in Scotland.

with whom
the Jacobites
break.

When the Jacobites saw the commissioner give the royal assent to the bills presented by the duke of Argyle, and the earl of Marchmont, they reproached him with tergiversation. He endeavoured to excuse himself by the duty he owed to the crown: but all was in vain; and a kind of coalition followed between the Jacobites, or, as Lockhart calls them, the cavaliers, and the country party; but even that gentleman's representation of his faction's conduct, on this occasion, does not clear them from the charge of having acted upon the most treacherous principles, that of having voted for the queen against their consciences and professions, that they might transfer her crown to her brother. He is not more fortunate in his account of the duke of Queensberry's conduct, which appears to be wise and spirited, though it dashed in pieces all the Jacobite measures. The duke

duke did not obtain, indeed, the subsidy which had been demanded, but he gained far more real advantages to the nation in the acts which he passed. The country party exclaimed against the influence of the English ministry over their councils, and were joined by the Jacobites in carrying through two bills of the greatest consequence against the court. The first declared, that after the queen's decease, without heirs of her body, no person, at the same time king or queen of Scotland and England, should have the sole power of making war with any prince, state, or potentate, whatsoever, without consent of parliament. The other act was called An act of security. This was founded upon a paper named an overture, presented to the house by the marquis of Tweeddale, and reduced into an act by the marquis of Athol. This act produced many violent altercations, as they fettered the prerogative, and rendered the successor to the crown little better than the creature of the parliament. The debates on this act fully proved the vanity of governmental systems, for the Jacobites made such excellent use of whig arguments, that the court party was confounded; and such a spirit was raised both without and within parliament, that it was found necessary to hold the guards in readiness, to protect the commissioner's person. The act at length passed; but the commissioner refused the royal assent, though he gave it to all the other acts.

A.D. 1703. acts. This renewed the ferments in the house, and it was with difficulty the members were prevented from addressing the queen upon the subject. When the earl of Marchmont produced a bill for settling the succession on the house of Hanover, it was received with so much indignation, that some moved it should be publicly burnt; and others, that his lordship should be committed prisoner for so preposterous a motion, as the conditions and limitations for the successor were not yet settled.

Character
of Fletcher
of Salton.

During those debates, which were carried on with great licentiousness, and not without some danger to the commissioner and the court party, Mr. Fletcher of Salton greatly distinguished himself. He was, by principle, a republican, and had spent great part of his life in Holland, where he associated with the earl of Argyle, and the duke of Monmouth. He was a keen spirited speaker, and had no contemptible share of political learning; but he was rather an extraordinary, than a great, man; and his natural talents, though quick, were, in a manner, useless under a monarchy. He carried his notions of limiting the prerogative so far, that they tended to an abolition of all sovereignty, but in the parliament; and he was the declared enemy of the union between Scotland and England. He offered a draught to the house, containing the limitations of the crown; and among others, that all offices and places, civil and military, as well

A. D. 1703.

as pensions, should be confirmed by parliament; that it should have a power of adjourning itself; that a committee of thirty-six members should act as the government, during each recess, and be accountable to parliament only, the majority of which was to name the successor. He added, that he would rather agree to a nomination of the most rigid papist with those limitations, than of the soundest protestant without them. Many, who remembered the dreadful days of despotism, seconded his motion; and it was rather postponed than set aside. It made such an impression, however, upon the house, that when the courtiers pressed the supply, it was called for again, under the name of overtures for liberty, though the chancellor observed that it contained a scheme for a commonwealth, and was inconsistent with monarchy. The courtiers evaded the question, which was, "Whether overtures for subsidy, or overtures for liberty, should be read?" But though a vast majority was for the latter, the commissioner durst not venture to put the question. The disturbance which followed upon this might have proved fatal to the commissioner and his friends, had he not promised that the overtures for liberty should have the precedence next day; but he then thought proper to prorogue the parliament to the twelfth of October.

This tumultuous session sufficiently evinced the independent spirit of the Scots at this time.

Independent
spirit of the
Scots.

A. D. 1703. Melancholy experience had pointed out to them both the nature and cure of their national ailments; and it was now evident that their capital grievance arose from the prerogative itself, as it was in the power of the commissioner, without whose consent no question could be put, to check their most spirited efforts. Their sentiments, however, were more noble than they were practicable, in so impoverished, and so unimproved a country; and it is most certain that many, who in their hearts were friends to arbitrary power, were the loudest in their cries for liberty, for the sake of opposition only. This was carried so far, that the prorogation took place before any provision was made for the payment of the army, or for the expences of government, or before a new commission was appointed for treating of a union. The commissioner himself was abandoned by the ministers, who opposed themselves to the courtiers; but it was easy for him to see that the Scots must be bribed, to follow their own interests. A large promotion of honours took place*; but the government was so much pressed for mo-

Honours
conferred.

* The marquis of Athol, and the marquis of Douglas, though a minor, were created dukes; lord Tarbat was invested with the title of earl of Cromarty; the viscounts of Stair and Roseberry, were promoted to the same dignity; lord Boyle was created earl of Glasgow: James Stewart of Bute, earl of Bute: Charles Hope of Hopton, earl of Hopton; John Crawford of Kilbirnie, viscount of Garnock; and Sir James Primrose of Carrington, viscount of Primrose.

A. D. 1704.

ney, that the commissioner had been, in a manner, forced to give the royal assent to a bill for importing French, and other wines, in neutral bottoms, which was the more convenient for the Jacobites, as it opened a correspondence between them and the court of St. Germain's; but the act itself was so scandalous, that a strong protest was entered against it. The queen's behaviour was extremely equivocal: she seemed, at the council-board in England, to be a warm friend to the union; but she distinguished several leaders of the opposition in Scotland with the highest preferments. That she might enlarge the field of honour, she revived the order of the Thistle, which had been discontinued during the late reign, changed the colour of the ribband into green, and made the duke of Athol, who now aspired to place himself at the head of the Jacobites, one of the knights.

During the recess of parliament, a very singular discovery was made of a plot, managed by Mr. Frazer, afterwards the lord Lovat, who suffered on Tower-hill, at London, for being concerned in the rebellion of 1745. He was a low-bred, crafty, man; but knew how to put on an air of sincerity, which often imposed on the most discerning judgment. He was capable of every wickedness, and was then under sentence of out-lawry, for committing a rape upon a woman of quality; nor had he the smallest virtue in his composition, if we except brutal courage.

1704.

A. D. 1704.

A plot
breaks out,
but the pro-
secution of
it is dropt.

The particulars of the plot made a greater noise at the time than they deserved; and amounted to no more, than that Frazer pretended, at the court of St. Germain's, to be an agent for the Highlanders, who were willing to receive the pretender as their king. He imposed so far upon the queen-mother, that he was taken notice of by some of the French ministers; and he returned to Scotland with credentials, which he immediately betrayed to the duke of Queensberry. In short, Frazer had the address to obtain that duke's permission to correspond with the Jacobites for the service of the government; and the court of St. Germain's gave him leave to practise with queen Anne's ministry for the service of the pretender. Many Jacobites, and suspected persons coming from France, were arrested in England, where party differences ran so high, that the plot was adopted by all parties; and whigs and tories, lords and commons, vied with each other for the merit of detecting it. It is hard to say how far Frazer might have carried his juggling scheme, had not some of the most sagacious Jacobites known too much of his private character to trust him; and the hint was no sooner given to Lewis the fourteenth, than he guessed at the truth, that he was a spy for both parties, though true to neither; and he was confined in the Bastile for some years. The duke of Queensberry's enemies, particularly the duke of Athol, who was chiefly aimed at

in

in Frazer's discoveries, attacked him at the council-board, for the encouragement he had given to such a rebel and outlaw as Frazer was; but the duke cleared his conduct to the satisfaction of the queen and her ministry. Enough, however, came out, upon the whole, to convince the public that some dangerous practices were in agitation between the party in Scotland that was in opposition to the union, and the court of St. Germain's. Mr. Lockhart thinks, that even Fletcher of Salton would have turned Jacobite upon this occasion; but we must attribute this credulity to the unhappy characteristic of his party, which was to believe that every man of whose virtue and understanding they had a good opinion, was, in his heart, a Jacobite. It is, however, certain, upon the whole, that the queen was, at this time, extremely tender of prosecuting any of her subjects, on account of their connections with her brother, or her step-mother.

The duke of Queensberry had been so warmly pushed in the affair of the plot, that he had been obliged to employ his friends for his vindication to call for some private letters he had written to the queen, which she took amiss; and he had more than once declared in public, that the opposition he met with in Scotland had been dictated by the court of St. Germain's. This had made him so very obnoxious to the Scotch parliament, that the marquis of

Tweedale,

A new administration in Scotland.

A. D. 1704.

See vol. IX.
p. 332. &
seq.

Tweeddale, who was a patriot nobleman, but not suspected of Jacobitism, was made lord high-commissioner; and Mr. Johnston, who had formerly been secretary of state, lord-registrar. Those two ministers formed a new scheme of government, upon the footing of the concessions that had been made by Charles the first in 1641. The queen, and her English ministers, without recommending any particular system, pressed the settlement of the succession upon all her servants in Scotland, as the only test of their duty, and title to her favour; but many did not think, that she sincerely meant to exclude her brother. The earl of Cromarty, one of the worst men, and the greatest pedant of that age, was now sole secretary of state. The earl of March was turned out of his government of Edinburgh-castle, as was the earl of Glasgow out of the deputy treasurership, because they were too much attached to the duke of Queensberry. Such was the situation of affairs in Scotland when the parliament was opened on the sixth of July.

Proceedings
of the par-
liament.

The queen's letter was very querulous, but at the same time very affectionate to her antient kingdom. The settlement of the succession was the first great object of the session; and the ministry presented a scheme which had been adopted by the high-commissioner. The duke of Hamilton endeavoured to evade it, by proposing a previous treaty with England about
com-

commercial, and other matters. The earl of A. D. 1704.
 Rothes proposed limitations, and conditions of
 government ; and Fletcher shewed, from expe-
 rience, that Scotland, ever since the union of the
 two crowns, had been kept in the most slavish
 dependence upon England. Great debates
 arose whether the limitations, or the succession,
 should have the preference ; but nothing was
 done on either side, the country-party out-vot-
 ing that of the court, tho' without carrying
 duke Hamilton's proposal farther, and con-
 tenting themselves with the triumph of having
 defeated the nomination of a successor.

A few days after, the earl of Marchmont pro-
 posed an act for excluding all popish successors,
 in general. This motion, reasonable and con-
 stitutional as it was, was evaded by the duke
 of Hamilton, who was now excessively popular
 with the country-party ; and it was with great
 difficulty that the courtiers were able to bring
 in an act of supply, which was limited to six
 months only. When this act came to be read,
 it was found that part of the bill for the securi-
 ty of the nation, which had been refused the
 royal assent in the first session, was tacked to it.
 Upon the whole, the members seemed to be so
 much infected with the enthusiasm of independ-
 ency upon England, that the friends of the pro-
 testant succession lost ground, and were afraid of
 press it. The duke of Athol, who continued

The
 Security-
 bill passed.

be

A. D. 1704. to be lord privy-seal, though he hated the duke of Hamilton, joined with him in all his hot measures. The army, though consisting only of three thousand, but double officered, was in danger of being disbanded for want of pay; and the kingdom being daily threatened with an invasion, the queen, by the advice of her Scotch ministers, gave way to the passing the subsidy-bill, with the tack, derogatory as it was to the prerogative of the crown; so that it became in effect an act of security, as well as subsidy. By one of the clauses it was provided, that if the queen should die without issue, a parliament should presently meet, and they were to declare the succession to the crown, who should not be the same person that was possessed of the crown of England, unless before that time there should be a settlement made in parliament of the rights and liberties of the nation, independent of English councils.

1705.
Alterations
in the mi-
nistry.

About this time the victory gained at Blenheim, over the French, by the duke of Marlborough, gave great advantages to the whig party at court, and her majesty did not think proper to give her Scotch parliament any answer to their addresses, for papers relating to the plot, in hopes of being able to affect the duke of Queensberry. Those dispositions of the Scots in parliament were seconded by military preparations in the field. By the act of security, the parliament had a power of exercis-

ing

ing their fencible men every month. The English parliament considered this as a prelude of hostilities, and they took up the indecision of the Scotch parliament, as to the succession, with so high a hand, that they threatened to declare the Scots aliens, to cut off all commerce between England and Scotland, and to proceed against the Scotch ships trading to France as pirates *. The great merits and address of the

* The proceedings of the English parliament at this time are so many keys to what passed in Scotland, and fully evince, how excessively solicitous the friends of the protestant succession were for the union. It is therefore proper to transcribe them: "The commons, having, in a grand committee, considered the state of the nation with regard to Scotland, resolved, on the 11th of December, that a "bill should be brought in for the effectual securing the kingdom of England from the apparent dangers that might arise from several acts lately passed in the parliament of Scotland."

And on the 11th of January, Mr. Conyers reported, from the committee of the whole house, to whom it was referred to consider of heads for that bill, the resolutions they had come to, and which were as follow: "That it be one head of the bill, to enable her majesty to nominate and appoint commissioners for England, to treat with commissioners from Scotland for an union between the two kingdoms. 2. That all natives of the kingdom of Scotland, except such as are settled, and shall continue inhabitants of England, or the dominions thereunto belonging, or at present in the service of the army or navy, shall be reputed as aliens, unless the succession to the crown of Scotland be settled on the princess Sophia of Hanover, and the heirs of her body, being protestants. 3. That a more effectual provision be made to prevent the exportation of wool from England and Ireland into Scotland. 4. That provision be made to prevent the importation of Scots linen into England or Ireland, and to permit the exportation of the linen manufactures of Ireland in English bottoms into her majesty's plantations in the West Indies. 5. That immediate provision be made to prevent the conveying of horses, arms, and ammunition, from England into Scotland. 6. That all the protestant free-holders of the six northern counties of England be permitted to furnish themselves with arms."

A.D. 1705. duke of Queensberry were now acknowledged, and the duke of Athol lost the privy-seal, which was given to him. The marquis of Tweeddale and Mr. Johnston, being unable to carry their scheme into execution, though it was by far the best that was offered, were laid aside, and the duke of Argyle was nominated high commissioner for the approaching parliament.

Character
of John,
duke of Ar-
gyle.

He was one of the most promising young noblemen in Scotland. In his person, and address, were blended the ease of a courtier, and the openness of a soldier. His natural parts were quick and penetrating, and his elocution correct, yet clear, manly, and rapid. He had an art peculiar to himself of convincing, without appearing to take the least pains, every man he spoke with, of his integrity; and, unexperienced as he then was, he was not more considered in the circle of the fair and witty, than at the council board. He had been early dedicated to a military life, and he had great family-resentments against the house of Stuart, though his father, who was a soldier likewise, had been very little considered by king William, and the court-party. He happened, at this time, however, to join the whigs, chiefly because he thought their antagonists were Jacobites; and his well known courage and spirit, joined to the wisdom and address of the duke of Queensberry, pointed them out as the only noblemen in Scotland
who

who could effectually serve the protestant interest there. A. D. 1705.

The marquis of Tweeddale and his friends being thus removed, formed a third party, under the denomination of the Flying Squadron, professing themselves to be under no interest or controul, but the good of their country, and that they would occasionally join either party, as independent patriots. This faction, though it served at first to embroil matters, yet contributed in the end to bring about both the union and the succession, because few or none of the members were Jacobites. The earl of Mar presented the form of an act for a treaty with England. Fletcher inveighed with great bitterness against the insolence, as he called it, of the English parliament, for presuming to dictate to the Scots. The duke of Hamilton proposed that a clause might be added to the act, importing, that the union should no-ways derogate from any fundamental laws, ancient privileges, offices, rights, liberties, and dignities of the Scottish nation. Another member excepted against any treating till the English parliament should repeal their resolution of declaring the Scots aliens. Upon the whole, the temper of the house was violently averse to the union. The Squadron joined the Jacobites on that head, and, if we believe Mr. Lockhart, who certainly had very good opportunities of information, some very dangerous resolutions were agreed on, the

Proceedings
of the par-
liament.

A.D. 1705. consequences of which must have been immediately productive of a war, or perhaps the introduction of the pretender. The duke of Hamilton was to have been at the head of all that was done; but though personally brave, he was politically a coward, and I have some difficulty in believing that he ever heartily intended to bring in the pretender, unless the latter declared himself a protestant. It cannot, however, be denied, that he went too great lengths with the Jacobites, and that he deserted them at the very crisis of the national danger. His clause was objected to, and set aside; by which the revolutionists saw their own strength, though they carried their question by no more than two votes. But this majority, small as it was, had prodigious effects, for it disconcerted the Jacobites, and determined such of the revolutionists as were wavering secretly, to make the best terms they could at the court of England. At last an act for the treaty of union was passed, though the duke of Athol made a vigorous protest against it, being joined by twenty-four peers, thirty-seven barons, and eighteen burghesses. The reason of this numerous dissent was, because the Squadron had not yet an opportunity for making their terms with the court.

Necessity of
a union.

When the history of this and the preceding session of parliament is perused with attention, it is easy to perceive that nothing but a union at this time could have saved Scotland from being

ing a province either to England or France. The scheme of one sovereign governing two separate, independent nations, differing from each other not more in genius and pursuits, than in laws and interests, was merely chimerical and impracticable, unless the sovereign, like Charles II. and his brother, had always a standing army to enforce his commands. The troubles of the first Charles, and the sufferings of the Scots under king William, sufficiently evinced the impracticability of the whole system, and the heats of the present parliament convinced every man of sense and reason, that there was no medium between the introduction of the pretender, and an incorporate union, that could save the nation from immediate destruction. The earl of Roxburgh, who was at that time considered as, perhaps, the most accomplished nobleman in Europe, and had always opposed the court with great spirit, now perceived the madness and profligacy of the Jacobites, who, in their usual manner, had flattered themselves he was of their party, and resolved to leave them. The marquis of Montrose had left them for some time, and the duke of Hamilton's conduct gave the finishing blow to their sanguine hopes; for while the treaty of union was under debate, he moved that the nomination of the commissioners should be left to the queen; and his motion was carried by a small majority, but not without a protest, as before, from the duke

A.D. 1705. duke of Athol and his friends. The Jacobites, being thus disappointed, the business of the session went more smoothly on. A supply of fifty thousand pounds sterling was voted; and the parliament was adjourned to the 20th day of December.

During the recess, such of the members as were not furiously bent upon bringing in the pretender, had sufficient time to reflect upon the situation of their country. They were soon undeceived as to the views of the English whigs, who, they found, proposed nothing that was inconsistent either with the interest or the independency of Scotland, and offered to treat on a fair, equal, footing. Among other proselytes to the court-party, was the earl of Mar, the same nobleman who afterwards signalized himself at the head of the Scotch rebellion in 1715. He was a man of no faith or principle, and but little depth of judgment. He had great ambition without abilities to attain his ends, and he therefore supplanted them with a low cunning; by which he founded all parties as to the terms of his admission into their confidence. His disagreeable figure and manner inclined some to believe that nature had bestowed upon his understanding the advantages she had denied to his person; and this strange prepossession was of great service to him on several occasions. The marquis of Annandale, who acted as secretary of state, not being found so pliable to the court

Character
of the earl
of Mar,

A. D. 1705

court as was expected, was removed from that post, to the more unimportant one of president of the council, and was succeeded by the earl of Mar; and several other removes took place in order to facilitate the union.

No sooner were the resolves of the Scotch parliament known in England, and that the nomination of the commissioners were left to the queen, that is, to the whig ministry, than every thing there wore a new face with regard to Scotland. The queen was complimented by both houses, who addressed her for copies of the proceedings of the Scotch parliament; and, that nothing might be wanting to forward the treaty, the act declaring the Scots aliens in England was repealed in parliament. The commissioners were then nominated, and the reader will find their names in the notes *. The

1706.
Commis-
sioners for
the union
appointed.

* The English commissioners were, Thomas, lord archbishop of Canterbury; William Cowper, lord keeper of the great seal; John, lord archbishop of York; Sidney, lord Godolphin, lord high treasurer of England; Thomas, earl of Pembroke; and Montgomery, president of the council; John, duke of Newcastle, keeper of the privy-seal; William, duke of Devonshire, steward of the household; Charles, duke of Somerset, master of the horse; Charles, duke of Bolton; Charles, earl of Sunderland; Evelyn, earl of Kingston; Charles, earl of Carlisle; Edward, earl of Oxford; Charles, viscount Townshend; Thomas, lord Wharton; Ralph, lord Grey; John, lord Powlet; John, lord Somers; Charles, lord Halifax; William Cavendish, marquis of Hartington; John Manners, marquis of Granby; Sir Charles Hedges and Robert Harley, principal secretaries of state; John Smith; Henry Boyle, chancellor of the exchequer; Sir John Holt, chief justice of the queen's bench; Sir Thomas Trevor, chief justice of the common pleas; Sir Edward Northey, attorney-general; Sir Simon Harcourt, solicitor-general; Sir John Cook; and Stephen Waller, doc-

tor

A. D. 1706.

16th day of April was appointed for their first meeting, at the Cockpit, near Whitehall; and the affair of the succession became the chief object of the English. The lord keeper of England was the chief manager; and the Scots agreed, "That the kingdoms of Scotland and England be forever united into one kingdom, by the name of Great Britain; that the united kingdom of Great Britain be represented by one and the same parliament; and that the succession to the monarchy of the kingdom of Great Britain, in case of failure of heirs of her majesty's body, shall descend upon the most excellent princess Sophia, electress and duchess-dowager of Hanover, and remain to her and the heirs of her body, being protestants, with this provision, That all the subjects of the united kingdom of Great Britain shall have full freedom and intercourse of trade and navigation,

tor of laws. The Scottish commissioners were, James, earl of Seafield, lord chancellor of Scotland; James, duke of Queensberry, lord privy-seal; John, earl of Mar, and Hugh, earl of Loudon, principal secretaries of state; John, earl of Sutherland; John, earl of Morton; David, earl of Wemyss; David, earl of Leven; John, earl of Stair; Archibald, earl of Roseberry; David, earl of Glasgow; lord Archibald Campbell; Thomas, viscount Duplin; lord William Ross; Sir Hugh Dalrymple, president of the session; Adam Cockburn of Ormiston, lord justice-clerk; Sir Robert Dundas of Arncliffe, Robert Stuart of Tillicultrie, lords of the session; Mr. Francis Montgomery, one of the commissioners of the treasury; Sir David Dalrymple, one of her majesty's solicitors; Sir Alexander Ogilvy, receiver-general; Sir Patrick Johnston, provost of Edinburgh; Sir James Smollett of Bonhill, George Lockhart of Carnwath, William Morrison of Prestongrange, Alexander Grant, William Seton of Pitmidden, John Clark of Pennycook, Hugh Montgomery, Daniel Stuart, and Daniel Campbell.

to and from any part or place within the united kingdom, and plantations thereunto belonging; and that there be a communication of all other privileges and advantages, which do, or may, belong to the subjects of either kingdom. A. D. 1706.

This provision was agreed to by the English commissioners, as being a necessary consequence of an entire union. The English commissioners demanded, that there be the same customs, excises, and allotted taxes; and the same prohibitions, restrictions, and regulations of trade throughout the united kingdom of Great Britain. The Scots demurred to this proposal, and a grand committee on each side were nominated to settle it. The queen was at this time so entirely in the hands of the whigs, that the duchess of Marlborough, her confident, in a manner, executed all acts of sovereignty, and the party looked upon the protestant succession as being in the most imminent danger, if the union should be delayed: or if its progress did not answer their wishes. With regard to the Scotch commissioners, they were, almost all of them, as I have already mentioned, friends to the Hanover family, but they were by no means fond of an incorporated union, which they thought would diminish their importance, by sinking them in the two houses of the English parliament. They thought that a federal union was sufficient for their own purpose, and must always render them of weight with the English

Their proceedings.

A. D. 1706.

ministry; and the eagerness with which they were courted by the latter, confirmed them in this opinion. Even the terms offered to their country by the English, which far exceeded their most sanguine expectations, gave them suspicions, and created difficulties. The English ministers, anxious and uneasy at this, persuaded the queen to pay a visit in person to the board of the commissioners, where she exerted herself with unusual earnestness for their putting the last hand to the treaty. It was then too late for the Scotch commissioners to recede from what they had already offered, especially as to the succession; nor indeed could they with any safety, without being exposed to the resentment of all parties in both kingdoms. They knew the Jacobites never would forgive such a concession, and that they must be despised by the whigs if the treaty miscarried upon any other point. Add to this, that the duke of Queensberry, who was a zealous and indefatigable friend to the incorporated union, acted with so much address that he gained over a majority of the commissioners, so that it was the interest of the others to follow, which all of them did, excepting Lockhart of Carnwath, who never could be persuaded either to sign or seal the treaty. Before the 22d of July the articles were completed, engrossed, and executed, and next day they were formally presented to
the

the queen, who received them with great satisfaction. A.D. 1706.

I have been the more particular in the history of this negotiation, which is drawn from the most undoubted records and evidences, that I might obviate some ridiculous surmises that have been lately espoused in prejudice to the sovereignty and significance of the Scotch nation. Some of the English, even in those times, objected to the union, but they were known either to be no friends to the protestant succession, or that they were influenced in their opposition by their hatred to the whigs. This is a fact well attested in the English history; nor has it, I believe, ever been controverted. The name of the great lord Somers, who had so highly distinguished himself by his learning, judgment, and probity, as well as by his inviolable attachment to the principles of liberty and the revolution, and who planned and conducted the treaty itself, sufficiently evinces its utility. It cannot be, with any colour of reason, supposed, that the patriots who joined him would have yielded to terms apparently so disadvantageous to England, had they not been convinced, (and their foresight has been justified by the event,) that the future benefits resulting from the treaty would more than compensate for the seeming inequality of its terms. Having said thus much concerning the general expediency of the union, it is proper I should

The articles
finished.

A.D. 1706. here enter into a particular detail of its contents.

Their contents.

By the first and second article, the two kingdoms were for ever after to be united into one kingdom, by the name of Great Britain; and the protestant succession, in the person of the princess Sophia and the house of Hanover in the protestant line, was confirmed. The third article provides, that the united kingdom of Great Britain be represented by one and the same parliament. The fourth establishes an equality of trade between the subjects of the united kingdom, through all quarters of the globe, except where it is otherwise expressly agreed on. The fifth article relates to Scotch ships being deemed ships of Great Britain, which is accordingly provided for. By the sixth article, it is provided, That all parts of the united kingdom, for ever, from and after the union, shall have the same allowances, encouragements, and drawbacks, and be under the same prohibitions, restrictions, and regulations of trade, and liable to the customs and duties on import and export. The rest of this article is all explanatory, but highly to the benefit of the internal commerce of Scotland, particularly with regard to her cattle and grain. The seventh article relates to the excise of liquors, which are to be the same in all parts of the united kingdom, excepting only, that the thirty-four gallons English barrel of beer or ale, amounting

mounting to twelve gallons Scots present measure, sold in Scotland, by the brewer, at nine shillings and sixpence sterling, excluding all duties, and retailed, including duties and the retailers profit, at two pence the Scots pint, or eighth part of the Scots gallon, be not, after the union, liable on account of the present excise upon exciseable liquors in England, to any higher imposition than two shillings sterling upon the aforesaid thirty-four gallons English barrel, being twelve gallons of the present Scots measure. The eighth article settles the duties upon salt, and regulates the fisheries. The ninth article is so much for the benefit of Scotland, that I shall here transcribe it.

“ That whenever the sum of one million, nine hundred and ninety-seven thousand, seven hundred and sixty-three pounds, eight shillings and four pence half-penny, shall be enacted by the parliament of Great Britain, to be raised in that part of the united kingdom now called England, on land and other things, usually charged in acts of parliament there, for granting an aid to the crown by a land-tax, that part of the united kingdom, now called Scotland, shall be charged by the same act with the further sum of forty-eight thousand pounds, free of all charges, as the quota of Scotland to such tax, and so proportionably for any greater or lesser sum raised in England by any tax on land and other things usually charged together with
the

A. D. 1706. the land. And that such quota for Scotland, in the cases aforesaid, be raised and collected in the same manner as the cess now is in Scotland, but subject to such regulations in the manner of collecting as shall be made by the parliament of Great Britain." The articles, tenth, eleventh, twelfth, and thirteenth, exempts Scotland from the payment of several duties upon paper, vellum, parchment, coals, culm, and malt, to which the English were then liable, by several acts near expiring. The fourteenth and fifteenth articles provide, that the sum of three hundred ninety-eight thousand and eighty-five pounds, ten shillings should be granted to the Scots, as an equivalent for such parts of the customs and excise charged upon that kingdom in consequence of the union, as would be applicable to the payment of the debts of England, according to the proportion which the customs and excise of Scotland bore to those of England.

The sixteenth article provides, that all the coin in the united kingdom should be of the same standard and weight, and that a mint should be erected in Scotland, subject to the regulations of the crown and parliament of Great Britain. The seventeenth article makes the like provision with regard to weights and measures. The eighteenth establishes a like conformity in the regulation of trade, customs, and excises, but that no alteration take place in the laws

laws of Scotland with regard to private property. The nineteenth establishes the continuance and authority of the court of session and justiciary in Scotland, subject to the regulations of a British parliament; and the same with regard to the court of admiralty, and inferior courts. That a court of exchequer should be established in Scotland, and that the privy-council there may be continued till it should be altered by a British parliament. The twentieth provides, that all heritable offices, superiorities, heritable jurisdictions, offices for life, and jurisdictions for life, be reserved to the owners thereof, as rights of property, in the same manner as they are now enjoyed by the laws of Scotland, notwithstanding this treaty. The twenty-first article says, That the rights and privileges of the royal boroughs in Scotland, as they now are, do remain entire after the union, and notwithstanding thereof. The twenty-second establishes the constitution of the sixteen peers, and the forty-five commoners from Scotland, to sit in the British parliament, as now practised. The twenty-third gives the peers all the privileges of English peers. The twenty-fourth regulates the quartering of the arms of the two kingdoms upon the great seal, and other armorial bearings in Great Britain, and that the Scotch regalia should be kept in that kingdom. By the twenty-fifth and last article it is provided, that all laws and statutes in either kingdom, so far

A. D. 1706. far as they are contrary to, or inconsistent with, the terms of these articles, or any of them, shall, from and after the union, cease, and become void, and shall be so declared to be by the respective parliaments of the said kingdoms.

Such is the substance of this celebrated treaty, which I shall not scruple to rank among the *pacta conventa* of the British empire; nor can it be either annulled or violated without destroying the fundamental principles of public faith. It was made by two nations, whose independency upon each other no longer subsists, and never can be restored, and therefore the people of Scotland had the public faith alone for their guarantee as to the execution. How far the whole, or any part of it, may be set aside by a British parliament, becomes not any private person to judge *, and the less such a question is agitated, the more respectful it is to the legislature.

* The twentieth article, though not subject to be altered by a British parliament, as many of the other articles are, has been set aside; but we are to observe, that it relates only to the rights of private property, and that the noblemen and gentlemen concerned were legally indemnified by the public for those rights. I cannot therefore look upon the repeal of this article in any other light, than that of a person being obliged to resign his private property on account of a public good, after receiving an equivalent, by the verdict of a jury. The court of session is the only jury that subsists in Scotland in matters of property, and (if I mistake not) the sum paid to each proprietor was liquidated by their verdict.

Notwithstanding what had passed at London, the work of union was still incomplete, without the ratification of the Scotch parliament, which it was foreseen, from the temper of the nation, would meet with prodigious opposition. The greater checks the French arms received on the continent, the greater dependence that court had upon the Scotch Jacobites, for dividing the power of England. One Hookes, who had been chaplain to the duke of Monmouth, at the time of his landing in England, but then colonel of a regiment in the French service, was sent over with letters, from the French king and the pretender, to the duke of Hamilton, who was at this time highly exasperated at the whigs, and the earls of Marshal, Errol, and Home, three noblemen who were Jacobites by principle. Hookes was so vain and insignificant a fellow, that even the Jacobites refused to trust him, and he was sent back with a vague answer. They employed however, one Stratton, to negotiate at the courts of Versailles and St. Germain; but the loss of the battle of Ramillies disconcerted the French so much, that he obtained nothing but fair promises, and returned with letters from the pretender to his real or supposed friends in Scotland, some of whom were staunch Revolutionists.

Practices in
favour of
the pretender.

Before the meeting of parliament on the 3d of October, the earl of Home died; but the party in opposition to the union was far strong-

Death of
the earl of
Home.

A.D. 1706. er, and more numerous, than had been represented in England. Even the presbyterian clergy were pre-possessed against it, on the supposition that their religion might be suppressed by a parliament where the English had a majority. The old duchess of Hamilton, daughter of the duke who had been beheaded in England, had no ill-grounded view, that if the succession to the crown of Scotland was left open, it might descend to her family, as being nearest in blood, after the extinction of the posterity of James VI. How far her son, the duke, was influenced by this notion, is hard to say. He paid great court to the queen and her brother, though he did not publicly favour the pretensions of the latter; and the duke of Athol is said to have entered farther than any nobleman in the kingdom into the schemes of the Jacobites, and to have been fully determined to appear against the union in the field, at the head of his vast following, which in such a cause would have amounted to ten thousand men.

Arguments
for and a-
gainst the
union.

I shall not here repeat the reasons which influenced every subject of Scotland, who could divest himself of party-considerations, in voting for the union. They received a considerable addition from the mercantile part of the nation, who now saw bright prospects of commerce open, and an indemnification proposed for their vast losses in the Darien undertaking. The Squadron-party, as they were called, which

which had the marquis of Tweeddale, the earls of Rothes, Roxburgh, Haddington, and Marchmont, at their head, though enemies to the court, were friends to the union, and may be considered as the best patriots Scotland could then boast of. The political timidity of the duke of Hamilton once more saved the nation from the disagreeable circumstance of a civil war. The popular topic of national independency upon England, and the honour of Scotland, the impending insignificance of her peerage, the reduction of her barons and burgeses to a small corner of the English parliament, and all other arguments of the same kind, were urged with no small degree of eloquence by the duke of Hamilton, the lord Belhaven, Mr. Fletcher, and others. Their speeches would have done honour to a much better cause, nor indeed was it easy to answer some topics that they urged, but by the conviction which every true patriot had within himself of the rectitude of the measure, and its beneficial consequences to his country. Every article was disputed; but, by the accession of the Squadron-party to the court, the opposers were out-voted, though every question was attended by a protest. The majority was from thirty-one to seventy-four votes.

The duke of Hamilton and his party grew almost desperate at this prospect of affairs, especially as the severe season of the year prevented the resort of their friends to the parliament;

1707.
Tumults at
Edinburgh.

A.D. 1704. and proposed, as they could not carry their point in a constitutional manner, to sign a national address to the queen, which might intimidate the whigs from pressing the union, by threatening a new secession. The duke of Athol opposed this, and every other measure proposed, but that of immediately assembling in arms. He was encouraged to this by the disposition of the people without doors, who threatened destruction to all the friends of the union; so that the government was obliged to march a strong detachment of the guards into the city, and to canton the whole army in the neighbourhood of the parliament-house. The commissioner marched through the streets, guarded by double lines of horse and foot; but the vigorous measures taken dispersed the insurrection before it came to any consistency. The earls of Errol and Marshal, the first being high-constable, and the latter marshal of Scotland, protested against this force upon the parliament, and addresses against the union poured in from all quarters. I shall not here enquire how far those addresses against a measure which did not properly lie before the tribunal of the people, and had been agreed upon by authorised commissioners, were constitutional; the court-party undoubtedly thought they were not. The duke of Argyle jocularly proposed that they should be converted into paper kites, and the earl of Marchmont opposed their being read.

read. The marquis of Annandale was for settling the succession in the house of Hanover, but upon terms that were incompatible with the nature of the union; and when that motion was rejected, Cunningham of Eckat, a soldier of fortune, was to raise the west-country presbyterians, and to march them against the parliament, while the duke of Athol was to secure the pass of Stirling. Cunningham was successful with the west-country people beyond his hopes; and the town of Hamilton was appointed for the rendezvous of the insurgents, who were to consist of above seven thousand men. This design was, however, privately quashed by the duke of Hamilton, who was against so desperate an expedient. It was next proposed to present an address, signed by such a number of hands as should amount to a national declaration against the union. This measure likewise failed, thro' the private management of the same duke and his mother. The truth is, that great nobleman had a large estate in England, which he was unwilling to risk; and, though he would gladly have gone into all the measures of the English Tories, he did not choose to be at the head of a civil war, (for it was proposed he should be commander in chief), which he foresaw would be ill supported by his country-men. Their chief dependence was now upon France; and the repeated blows they had received from the war, rendered

A.D. 1707. rendered her assistance precarious, if not insignificant.

Duke of
Hamilton
defeats the
projects of
the Jacobites.

After many consultations and debates, a national protestation was drawn up; but the duke of Hamilton refused to present it, which gave his party a suspicion that they were betrayed, and disjoined them so much, that all their vigorous schemes fell to the ground. If we are to believe Mr. Lockhart, had it not been for the duke of Hamilton's inconstancy, the whole project of the union must have dropt; and yet he was so much in disgrace at court, that the queen expressly prohibited any of her servants in Scotland to vote for his being one of the sixteen peers. This circumstance (if true) redounds to the duke's honour, as it was a strong proof of his aversion either to bring his country into any slavish dependence upon the English ministry, or to plunge her into a civil war. His merit appeared more eminently after the articles of the union were ratified, when Hookes was again sent to Scotland by the popish party at St. Germain's, with orders to address himself to the duke of Athol as the head of the Jacobite party. Hookes behaved with great insolence, and was not even displeased at being treated with the title of Excellency, and receiving the compliments due to a foreign ambassador. None but Scotch Jacobites could have been imposed upon by so weak and empty a tool; though I am apt to think that he

him.

himself was ignorant of the true motive of his message. This was no other than to raise a civil war in Scotland, on pretence of the Jacobites being supported by a French invasion, which that king was at this time neither willing nor able to effect.

A. D. 1707.

An invasion
from France
projected.

The duke of Athol aspired to the honour of being a second Monk; and it is almost incredible, that such a fellow as Hookes was, should gain the credit he did, with the heads of the Jacobites. Had he been a man of the least address or knowledge of the world, his agency might have been at that time fatal to Scotland; but he happily blundered out her deliverance. The duke of Hamilton refused to trust him, though he brought a letter to him from the pretender. The earl Marshal, though married to Perth's daughter, disliked the Popish faction at St. Germain's, as did all the confederate Jacobites, who depended chiefly on the intelligence sent them by the earl of Middleton. He continued still to be at open variance with the Perth and the popish faction; but upon the favourable report which Hookes made, when he returned to France, Middleton and his friends in Scotland fell into great disgrace at the courts of Versailles and St. Germain's.

Such was the situation of parties in Scotland, when the duke of Queensberry, the commissioner, found himself under a kind of necessity to oil the wheels of his administration, by applying

A. D. 1707. ing to the earl of Godolphin, lord high treasurer of England, for twenty thousand pounds sterling, to be discretionally distributed among the friends of the government; and tho' England was then engaged in a most bloody and expensive war, yet the money was remitted.

After the treaty was confirmed by the Scotch parliament, an arrangement was made in the manner of electing both the peers and commons who were to be sent to England; and the act having received the royal assent by the touch of the sceptre, the commissioner set out for London, where he met with a most gracious reception from his royal mistress.

Having now come to the period when Scotland no longer existed as an independent kingdom, and even lost its name in that of GREAT BRITAIN, the history of that nation is finished; but I shall, in order to keep strictly to my proposals, carry on my work by way of annals, distinguishing the principal events which happened in that country to the present time.

ANNALS OF SCOTLAND,

FROM

The UNION in MDCCVII.

TO THE

P R E S E N T T I M E.

THE representatives for Scotland, in A.D. 1707.
the first parliament of Great Britain,
were, for the lords, the duke of Queens-
berry; the earl of Seafield, chancellor; the mar-
quis of Montrose, lord keeper of the privy-seal;
the marquis of Tweeddale; the marquis of Lothian:
earls Mar, Loudon, Crawford, Sutherland, Rox-
burgh, Wemyss, Leven, Stair, Roseberry, Glas-
gow, and Ilay. For the barons, W. Nisbet of
Dirleton; John Cockburne, jun. of Ormiston;
Sir W. Ker, of Greenhead; Sir John Swinton, of
that Ilk; W. Bennet, of Grabbet; Archibald
Douglas, of Cavers; Mr. J. Murray of Bowhill;
Mr. J. Pringle, of Haining; W. Morleson, of
Prestongrange; Geo. Baillie, of Jerviswood; Sir
John Johnstoun, of Westerhall; Mr. J. Stuart, of
Sorbie; Mr. F. Montgomery, of Gristan; W.
Dalrymple, of Glenmure; Sir R. Pollock of that
Ilk; John Halden, of Glenargies; Mungo Gra-
ham, of Gorthy; Sir D. Ramsay, of Balmain;
Sir Thomas Burnet, of Leys; W. Seaton, jun. of
Pitmedden; Alexander Grant, of that Ilk, jun.
Hugh Ross, of Kilravock; Sir K. Mackenzie, of
Cromarty; Mr. J. Campbel, of Mammore; Sir
J. Campbel, of Auchinbrek; Ja. Campbel, of Ard-
kinglass,

A. D. 1707. kinglafs; J. Halyburton, of Pitcure; A. Abercrombie, of Glasloch; A. Douglass, of Eaglesham; and John Bruce, of Kinross. For the boroughs, Sir Patrick Johnston; Lieut. col. John Erskine; Hugh Montgomery, James Scot, Sir John Erskine, Mr. P. Moncrief, of Keady; Sir Andrew Home, Sir Peter Halket, Sir James Smollet, Sir David Dalrymple, Mr. John Clerk, Mr. Patrick Ogilvie, George Allardice, Daniel Campbel, esq. Mr. Alexander Maitland.

The marquis of Montrose, and earl of Roxburgh, created dukes.

The union approved of by the English parliament, after meeting with a warm opposition from the tories.

1708. A court of exchequer established in Scotland, on the model of that of England.

Lewis XIV. encouraged by the report of colonel Hookes, as to the dispositions of the Scots in favour of the pretender, orders a squadron to be equipped under Fourbin, one of his best admirals, for carrying the pretender, who took the name of the chevalier de St. George, and a body of land-troops, under marshal de Matignon, to Scotland. The pretender accordingly embarked at Dunkirk, and the squadron set sail: but, to the amazement of the admiral and the French court, who thought the British coasts were unprovided with ships, they were pursued by an English squadron under Sir George Byng; the castle of Edinburgh was secured by the earl of Leven; detachments of troops were poured into Scotland; the most noted Jacobite noblemen and gentlemen were secured, and every thing provided to have given the invaders a warm reception.

Fourbin finding himself disappointed of the signals which Hookes had pretended were concerted between him and some of the Scotch Jacobite lords,

lords, (who by the bye had opposed the invasion at that time) declined an engagement with the English admiral, and one of his ships, the Salisbury, was taken, with some Englishmen of quality on board. Fourbin shewed great deference to the pretender's request of being landed in Scotland, but evaded it, and returned to Dunkirk, after a most tempestuous voyage. It was thought, with great appearance of truth, that neither queen Anne nor the French king were serious in their proceeding on this occasion. Neither the queen nor her whig ministry chose to have the pretender a prisoner in any part of Great Britain, and very probably Byng knew their sentiments on that head so well, that he suffered the French squadron to escape. Lewis XIV. on the other hand, did not intend to place the pretender upon the throne of Great Britain, for nothing is more certain, than that Fourbin might easily have landed him on several places in Scotland, both before and after his squadron was attacked by Sir George Byng, had he not received private instructions to the contrary.

The prisoners, who had been apprehended on account of the late invasion, were released, or admitted to an easy bail, and duke Hamilton made his peace with the ministry.

Alterations were made in several articles of the union, particularly with regard to trials for treason in Scotland, which were complained of by the Scotch members. The duke of Queensberry was made secretary of state for North-Britain, where he acted as sole minister, by which he incurred an opposition from the duke of Hamilton and the whig noblemen of Scotland.

The whig interest in England begins to be shaken by the practices of the Tories; Mrs. Masham in particular, about the queen's person; and some

1709.

A. D. 1709. furmizes of an approaching change of ministry greatly elevates the Scotch Jacobites.

Some further alterations in the articles of the union were made, and highly resented by the northern members, particularly one, which incapacitated the eldest sons of Scotch peers to be chosen in the parliament for any part of Scotland; and another, disabling a Scotch peer, if made a peer of Great Britain, from voting in the election of the sixteen peers.

The Scotch whigs split among themselves, and many elections are carried against the court. All inquiries about the late invasion are stifled in the British parliament, and some farther alterations are made in the treaty of union, while the queen passes an act of grace.

1710. Many of the whig ministers dismissed in England, where Dr. Sacheverel is tried and censured; but his punishment was so slight, that it looked like an acquittal, and was matter of great triumph to the tories and Jacobites.

1711. The duchess of Gordon makes a present of a silver medal impressed with the pretender's head, and some treasonable devices, to the faculty of Edinburgh. This occasioned great debates among the members; but it was received, by a majority of sixty-three voices against twelve, and thanks were returned to the duchess for her present. This treasonable proceeding alarmed all the friends of the protestant succession, both in England and Scotland. The faculty disclaimed the conduct of the chief agents in the affair, and for some time it made a great noise; but the queen's sentiments were now so much warped towards the Jacobite interest, that all farther prosecution of it was dropt. A treaty of peace between France and Great Britain, made a rapid progress by the tory management.

The

The duke of Hamilton, having been created duke of Brandon in England, presented his patent in the house of peers, where it was disallowed, after great debate, though the duke of Queensberry had sate, in the same house, as duke of Dover, to which honour he had been raised after the union. The duke of Dover's patent was likewise disallowed, though the court made great efforts to support both. The question against the patent was carried by a majority of fifty-seven against fifty-two. This decision afforded an eminent proof of the jealousy, which, notwithstanding the union, still subsisted between the two nations; for it produced not only a strong protest, but a coalition among the Scotch representative-peers to have the union dissolved, and an address for that purpose was drawn up and signed by them to be presented to the queen.

The duke of Marlborough was about this time turned out of all his places, and the tories became now the supporters of the union as strenuously as they had opposed it before. Though the queen and her first minister, Oxford, still lived upon good terms with the house of Hanover, and tho' Oxford's brother, Mr. Harley, carried over to that court a bill giving precedence to the house of Hanover, yet it is certain that many secret dispositions, in which the tory ministers at best were passive, were about this time making in favour of the pretender. Considerable sums of money were distributed among the chiefs of the clans, and the duke of Hamilton was named to go ambassador-extraordinary to France. What his instructions were, do not appear. The whigs undoubtedly thought that they related to a treaty for bringing in the pretender, as will be seen in the sequel.

The Scotch peers, the body of whom never meant in earnest that the union should be dissolved, had, ever since the decision against the duke

A. D. 1712. of Hamilton's patent, absented themselves from the house of lords. This gave the queen and her tory ministers many serious apprehensions; but means were found to induce them to resume their seats, soon after the famous creation of twelve new English peers in one day. Notwithstanding this unprecedented measure, the Scotch peerage received no satisfaction for the injury which its members complained of.

A bill passed, granting a toleration for the episcopal clergy in Scotland, notwithstanding the remonstrances of the general assembly of clergy there, and a clause was inserted, prohibiting the civil magistrates from executing the sentences of kirk (church) judicatories. Another bill discontinued the sessions of the courts of judicature during the Christmas holy-days, and a third restored the rights of patronage, in direct violation of the presbyterian establishment. Those three bills were considered as so many preludes to the introduction of the pretender into that country; and yet, notwithstanding those discouragements, the Scotch presbyterians, almost to a man, continued to be inviolably attached to the protestant succession in the house of Hanover.

The conferences of Utrecht were now open for a peace between France and England, and the duke of Ormond, the British general, was ordered to withdraw the queen's troops from those of the allies, but many of these in the British pay refused to follow him.

November. The queen behaved with much greater firmness in negotiating the peace than was expected, considering the opposition she met with from the other confederates and in the house of peers, which increased the suspicions of the English whigs concerning the pretender, especially after the French king had named the duke D'Aumont to be his ambassador at London. The duke of Hamilton's
instruc-

instructions at the French court were still un-A. D. 1712. known, which rendered his person extremely obnoxious to the whigs. As he was noted for personal courage, and the management of the sword, equal to any man of that age, it has been given out, (but I believe without any just cause) that the whig party formed and executed a design of murdering him. It is most certain, that he had then a law-suit with the lord Mohun, who was reckoned the only man of quality who was a match for the duke in a duel, but was of a turbulent character, and had been more than once tried for murder. He was considered as the bully of the whig party, and had, some time before, been employed as such by the duke of Marlborough; but there is no manner of reason for supposing, that the quarrel between him and the duke was any other than personal. It happened, unfortunately for both, that colonel Maccartney, a desperate needy officer, and devoted to the whigs, was pitched upon by Mohun for his second, as one colonel Hamilton was by the duke. Both parties repaired early in the morning of the 15th of November to Hyde-park, where lord Mohun was killed on the spot, and the duke of Hamilton died of his wounds, as his servants were carrying him to his coach. Colonel Hamilton, when examined before the privy-council, declared, that while he was slightly engaged with Maccartney, the latter, seeing Mohun fall to the ground under the duke, and after he had been disarmed by the colonel, ran towards the combatants, and stabbed the duke with one of their swords. Maccartney disappeared, and was not seen in England till the next reign, when he took his trial, and was acquitted, upon the clearest evidence. As to colonel Hamilton, he appears to have been a scandalous fellow; for tho' he persisted against the strongest presumptions, in
accusing

A.D. 1712. accusing Maccartney during the remainder of queen Anne's reign, of being guilty of the murder, yet he prevaricated upon the trial, and retracted what he had said, and repeatedly advertised.

The heats concerning the union were renewed in the British parliament on account of the malt-tax being extended to Scotland. The duke of Argyle, and his brother the earl of Ilay, were at the head of this opposition, in which they were joined by the other whig lords from Scotland. The union was supported by the English tories; but a motion was made in the house of peers, for leave to bring in a bill for dissolving the union, and securing the protestant succession in the house of Hanover. A very warm debate followed upon this motion, and many personalities passed on both sides, especially between the duke of Argyle, and some of the English tories, the body of whom continued still to support the union. The motion was at last over-ruled, and the malt-tax bill was then carried through with great difficulty.

1713. Barber, the printer of the Gazette, and one Morphew, a publisher, were complained of in the house of peers, for publishing a libel against the Scots, in a book called, "The public Spirit of the Whigs, set forth in their generous encouragement of the author of the Crisis." Some proceedings were held against both, but the author never could be found out, though three hundred pounds were offered for discovering him. The libel was thought to be the joint composition of Swift and Bolingbroke, the ablest of the tory political writers. Other libels were published about the same time; and such measures were taken as fully indicated a design of, at least, a part of the ministry, for placing the pretender on the throne. It was even publicly said, nor do I find it was authentically contradicted, that
he

he came over incognito in the duke D'Aumont's retinue; and if that was true, there is little reason to doubt his having had a private interview with his sister. The event probably would have been bloody and fatal, had not the two ministers, Oxford and Bolingbroke, differed, and attacked each other with the greatest animosity. A. D. 1713.

This variance discouraged the English Jacobites, who had too much to lose in acting under a divided administration. The duke of Argyle openly taxed Oxford with the subsidies he sent to the heads of the Scotch clans; and Oxford, instead of denying the fact, justified it by the practice of king William and his English ministers. 1714.

Such was the shattered state of parties in England, when queen Anne died, of a lethargic disorder, on the 1st of this month, before she could effect any coalition among the Tories. The Whigs were firm and united among themselves; so that no opposition was made to the accession of the elector of Hanover, George I. his mother, the princess Sophia, having died suddenly a few days before. Upon his arrival in England, he expressed the highest regard for the Whig nobility, many of whom he advanced to higher titles, and to the first places in the government, while the Tories found themselves under a cloud. The versatile earl of Mar, who had for some time professed himself a violent Tory, would gladly have made his peace with the Whigs; but the king ordered him to be deprived of the seals of secretary of state: upon which he withdrew to Scotland, and made preparation for a rebellion in favour of the pretender. He was soon followed by the young earl Marshal, who lost his second troop of horse-grenadier guards; and a number of suspected persons were seized in Great Britain and Ireland. August.

A. D. 1714.

In Scotland, the earl of Ilay, lord justice-general, proclaimed the king with great ceremony; but the unanimity of the British parliament served only to render the Scotch Jacobites more desperate. General Whitham was sent to command the army in Scotland, and a proclamation of a hundred thousand pounds sterling for seizing the pretender was issued; several parties of the Highlanders appearing in arms near Inverlochy. The duke of Gordon, his son the marquis of Huntley, and the lord Drummond, were laid under gentle restraints upon their paroles. The duke of Athol acted for the court, being then lord privy-seal, and was ordered to discontinue the pensions paid to the clans.

The appearance of a rebellion in Scotland proving every day stronger, the duke of Argyle was appointed commander in chief of the forces there. A great deal depended upon the conduct of that nobleman, who was perfectly well acquainted with the state of the country; and, tho' a determined enemy to the pretender, was by no means a violent friend to the duke of Marlborough, and some of the leading whigs in England, where the prosecutions of the earl of Oxford, and the rest of the tory ministry, were carried on with unwarrantable heat.

1715.

The earl of Mar found the dispositions of the northern Scots to be so much in favour of the pretender, that he was soon at the head of a formidable body of rebels, though he had as yet received no authority or commission to command them. He fixed his head-quarters at Perth; and his Highlanders, who were by far his best troops, were well-armed. He held a correspondence at first with Forrester, the viscount of Kenmure, the earls of Nithsdale, Carnwath, and Wintoun, the earl of Derwentwater, lord Widdrington, and other Jacobites, who were in arms in the north of England

land and south of Scotland. Mar sent a body of A. D. 1725. about two thousand men across the Forth, under brigadier Mac Intosh, to join the southern rebels; but, though his plan was well laid, it miscarried, through the blunders of Mac Intosh, who, upon landing on the Lothian side, marched directly to Leith, and from thence to England. After various marches, and proclaiming the pretender in different places, they were attacked at Preston by the king's troops, under the generals Carpenter and Wills, to whom they ingloriously surrendered themselves prisoners. They were then carried ignominiously to London, where the earl of Derwentwater and the viscount Kenmure were beheaded. The earls of Wintoun and Nithsdale made their escape, while under sentence of death.

On the day that the rebels surrendered at Preston, the battle of Dumblain, or, as it is called in Scotland, Sheriff-muir, was fought between the earl of Mar and the duke of Argyle. The earl had, for some weeks before, made several feints for advancing to Stirling, where the duke's headquarters were, that he might pass the Forth, and join the rebels in the south. The duke, thinking it dishonourable to be insulted, had advanced towards Dumblain, with about three thousand five hundred regular troops, while the force of the rebels amounted to above seven thousand. The charge of the rebels upon the left of the royal army was so furious, that in less than ten minutes it was entirely defeated; and general Whitham galloped, with the utmost precipitation, to Stirling. The right of the rebels returning from the pursuit, found that the duke and brigadier Wightman had defeated their left; but neither army being willing to renew the engagement, the victory was claimed by both parties. The duke was the first who left the field, and retired towards

A. D. 1715. Dumblain, as the rebels did to Ardoch. The number of slain on the side of the government was about six hundred, which was double that of the rebels. The duke next day returned to the field of battle, buried his dead, and carried off some of the rebels cannon, as tokens of his victory.

The earl of Mar was no foldier, and had little or no authority among the clans, who began to grow discontented at seeing so little advantage made of their pretended victory. Many of them returned home, on pretence of protecting their own properties and estates; and those who remained grew mutinous, and were divided among themselves, while the royal army was every day increasing by re-inforcements sent from England. Such was the state of affairs in Scotland, when the pretender landed incognito at Peterhead. Being soon known, he was attended by the earls of Mar and Marshal, and other heads of his party; and being proclaimed in all the places through which he passed, he arrived, on the 7th of June, at Scone, where his abode was short and uncomfortable. He found his followers discontented, their numbers diminished, all his sanguine hopes blasted in England, and himself without credit or authority, being such a bigot, that he never attended the protestant worship of any kind. He gave out, however, that he intended to be crowned, and entered upon the formal exercise of several acts of government. In a great council of his followers, instead of their agreeing to his coronation, they resolved upon a retreat, having intelligence that the duke of Argyle was in full march to attack him, being re-inforced by six thousand Dutch troops, and several British regiments. Orders were given by the pretender and his generals for retreating northwards, which was performed with the utmost precipitation; and when the pretender came

December.

1716.

to Montrose, he most dishonourably stole off, with some of his favourites, in a small bark, and set sail for France, A. D. 1716.

General Gordon, and the earl Marshal, who commanded the rebel troops, upon the pretender's departure, dismissed them at Aberdeen, and each shifted for himself in the best manner he could. This rebellion proved fatal to many great families in Scotland. It was conducted without sense, spirit, or courage, and the rebels are to be considered as an assemblage of several independent bodies, rather than as an army under one chief. It is certain that the whig administration thought the duke of Argyle was too tender with regard to his countrymen, who (to say the truth) were rather dispersed than subdued; and he was in a manner superseded in his command by Cadogan, who, next to the duke of Marlborough, was the favourite general of the whigs, and was sent down to Scotland to extinguish the remains of the rebellion. Soon after, the duke of Argyle, and his brother, the earl of Ilay, were dismissed from all their posts.

After the suppression of this rebellion, nothing remarkable for two years happened in Scotland, excepting the confiscation of estates, and law-suits for recovering the tenths due to, or from, the principal rebels. Many of them indeed were admitted or overlooked; but all the favour shewn them or their relations, were conferred with so bad a grace, that the government gained but few proselytes till milder measures took place. The differences in the northern parts of Europe, particularly between king George, as elector of Hanover, and the king of Sweden, sometimes encouraged the Jacobites in Scotland to renew their intrigues in favour of the pretender, but they were generally men of desperate fortunes, or in needy circumstances, and 1717.
their

A. D. 1718. their consultations were attended with no consequences to the public.

The war which broke out between Spain and England promised greater matters, and threatened an invasion, under the late duke of Ormond, both in England and Scotland. A violent storm dispersed the Spanish fleet intended for this invasion; but two frigates arrived in Scotland, which landed three hundred Spaniards, with arms for two thousand men, and the marquis of Tullibardine, and the earls Marshal and Seaforth. They were joined by a few of the clans, and took possession of the pass of Glenshiel. General Wightman marched against them from Inverness, with a body of the king's troops; and, not without bloodshed, dispersed the Highlanders; upon which the Spaniards surrendered themselves prisoners.

1719. Nothing at this time was done to encourage trade and manufactures in Scotland, or to repair the ravages of the late rebellion. The people, especially in the northern parts, still inclined strongly to Jacobitism. Those of the southern lived in a state of division and despondency, and the great nobility in general were preferment-hunters at the court, where their being Scotchmen was no recommendation with the English government. The nobility, all but four or five great families, found their estates impoverished, and Scotland shared deeply in the calamities of the fatal South Sea. The people in general, however, discovered a strong propensity for schemes of public utility. They attempted to establish a fishery-company, and some subscriptions were made for that purpose; but as such a company must have clashed with the interest of the Dutch, who were then in high favour at court, the project fell to the ground. A few faint essays were made for establishing woollen and

and linen manufactures, but they were so poorly A. D. 1720.
supported, that they miscarried.

The Scots about this time were so much disre- 1721.
garded on all hands, that they had very little share 1722.
in the schemes formed in favour of the pretender,
for which the bishop of Rochester in England was
driven into banishment. Some gentlemen were
indeed put under arrest on suspicion, but they
were soon released, as no proof could be brought
of their guilt.

England itself was at this period very little confi- 1723.
dered by the other great powers of Europe. The 1724.
emperor and the French king knew that the price
of their friendships was the advancement of her
king's interest as elector of Hanover, and prodigi-
ous sums were paid on that account, as well as
many inconsistent treaties formed. During this
unsettled state of affairs, the government thought
proper to have a watchful eye upon Scotland. A 1725.
bill passed for disarming the Highlanders, and
schemes were formed for rendering their country
more accessible, by building bridges, and opening
roads into its inmost recesses. The care of this
was committed to general Wade, who, though an
honest man, had no genius for accomplishing so
arduous an undertaking in such a manner as to
make it useful to posterity. He did, however,
great things, but at an immense expence; nor were
the works he carried on, in many places, sufficiently
durable.

The people of Scotland thought themselves neg-
lected, and none were more discontented than the
presbyterians in the west. They had expected
great things from their attachment to protestanism
and the house of Hanover, but found themselves
involved in the general poverty and discredit into
which the country had fallen. Their want of trade
and manufactures, disabled them from paying the
few

A. D. 1725. few moderate taxes at which they were assessed; and a general notion prevailed, that an additional tax, which was laid upon malt, was an infringement of the union. At Glasgow, the populace attacked the house of Daniel Campbell, their representative in parliament, who had distinguished himself by a steady attachment to the government; and the officers of excise thinking themselves in hourly danger of their lives, applied to general Wade, who sent two companies of soldiers to Glasgow for their protection, commanded by one captain Bushel, a sensible, spirited officer. The provost, who was the chief civil magistrate within the city, declined at first making any use of the military; but Campbell's house being plundered, and the soldiers themselves assaulted, the latter killed or wounded three or four of the rioters, who increased in their numbers so much, that Bushel was obliged to retreat to Dumbarton, from whence he sent an account to general Wade of what had happened.

The affair was treated with more seriousness than it deserved. The general, and the lord advocate, Duncan Forbes, marched to Glasgow, at the head of a little army; and, putting the magistrates under arrest, sent them to Edinburgh, while a few of the rabble were committed to prison. Four of the most guilty were transported; and the administration, as if ashamed of their conduct, released the magistrates, and stopt all farther proceedings in the affair.

The severity shewn to the people of Glasgow, where the strength of the government-interest lay, had, however, some effect; and, excepting a small insurrection at Elgin, few or no farther disorders happened in Scotland on the account of the malt-tax.

A kind of a national torpitude succeeded after those commotions. Sir Robert Walpole acted as first minister in England, at the time George I. died, and his system of administration was such as destroyed all kind of confidence between the people of Scotland and their representatives. Every election both of peers and commons was conducted by a kind of mandamus from court, and the representatives from Scotland were never mentioned, but as creatures of the minister; nor do I find that above two or three of them, for seven or eight years, acted with any degree of independency. During such a state of inactivity, no materials for Scottish history present themselves. If any Scotchman in parliament shewed the least demonstration of spirit, his opposition was attributed to mercenary motives: but, about the year 1734, some patriots appeared in both houses of parliament, who endeavoured to check the progress of corruption. The first symptom of independency that broke out, was a petition, signed by the dukes of Hamilton, Queensberry, Montrose, and a few other noblemen, who complained of an undue election of the sixteen peers from Scotland, but the petition was rejected. The ministry acquired nothing by this victory, which served only to open the eyes of the public in both kingdoms. The consequences were seen in the year 1736, while the king was abroad in Hanover in the following case.

1727.

1728.

1729.

1730.

1734.

1736.

One Porteous, a captain of the Edinburgh city-guard, attending the execution of a smuggler, ordered his men, upon little or no provocation, to fire upon the people, several of whom were shot dead. Porteous was fairly tried, and justly condemned for murder. The queen-regent sent him a pardon; but before it could operate, the populace of Edinburgh, and the neighbourhood, at-

A. D. 1736. tacked the prison where he was confined, carried him to the place of execution, and put him to death.

The ministers thought themselves in honour and duty bound to resent this affront offered to her majesty. None of the insurgents were discovered, though large rewards were put upon their heads. A bill was brought in to parliament, for disabling Wilson, the provost of Edinburgh, from holding any place in Great Britain, and for imprisoning him, on account of his inactivity against the rioters. This bill was strongly opposed by the duke of Argyle, and his brother the earl of Hay; but was carried through the house of lords, and sent to the commons, where it underwent a severe, and indeed impartial examination. Every allegation contained in it was disproved, to the conviction of the public; and all the Scotch members, excepting one, voted against it. The minister, however, made a point of carrying it through, and it was returned to the house of lords; but the penalties of it were so much mollified, that they scarcely amounted to a censure.

1737. The opposition made by the Scotch members in the affair of Porteous, gained them but little credit, because it was thought that it proceeded from the fear of their not being re-elected by their constituents, or their meeting with a disagreeable reception upon their return to their own country. They continued, as formerly, to vote in all other respects for the court; but a firm opposition to the minister had, notwithstanding, taken deep root in Scotland.

1738. It was managed chiefly by the dukes of Hamilton and Argyle, who were greatly assisted by the unpopular measures which the government had pursued in the affair of the Spanish depredations, and that of the convention with that court. It was

no hard matter to persuade the public of Scotland, A. D. 1738.
 that the government had, for several years, considered that country as no better than a nursery for forty or fifty ministerial dependents in parliament. Several members, who were returned to the house of Commons, were enemies to the minister, and contributed to the displacing him from his power in the year 1741. 1741. The removal of Sir Robert Walpole, who was immediately created earl of Orford, made but small alteration in the state of Scotland. In the war which broke out between England and France, many Scotch officers were employed, and the earl of Stair commanded the British forces under king George II. at the battle of Dettingen. But though every thing went on, to all appearance, very smooth in that country, yet a very dangerous ferment was working in its bowels.

The price of land was low, and numbers of gentlemen had hurt their fortunes, by endeavouring to improve them, partly because they were too poor to carry their schemes into execution, and partly on account of the discouragements they met with in finding a vent for their commodities. Every branch of business languished; the efforts which many gentlemen made for bringing manufactures into reputation, by educating their sons to manual professions, proved fruitless; and it was in vain for persons of a more liberal education to seek for their livelihood in Scotland. The army was indeed open for their reception, but it could not receive all who aspired to be officers, and a bloody war raging on the continent between France and Great Britain, the country was destitute of troops. 1744. Many heads of the clans, who had been suffered to live upon their estates, still kept up dangerous correspondencies with the abdicated family of the Stuarts; and being totally unemployed at home, 1745.

A. D. 1745. they held frequent consultations for bringing in the pretender, and inviting his son to head them.

They were encouraged by the French court in all their treasonable projects, and after negotiating backwards and forwards for about two years, the pretender's son arrived in France. His first intention was to have landed with a body of troops in South Britain; but the vigilance of the English admirals having defeated that project, the young man embarked on board a small frigate at Port St. Lazare; and being joined by the Elizabeth, a sixty-six gun ship, he landed, but not without the greatest danger of being intercepted, on the coast of Lochaber, where he was soon joined by a number of followers. The principal persons attending him, were, the marquis of Tullibardine, eldest brother to the duke of Athol, and one Sir Thomas Sheridan, tho' he had several other Scotch and Irish adventurers in his train. The first accounts of his landing was disbelieved; nor did the government think it real, till certain intelligence came, that he had surprised and disarmed two companies of soldiers in the neighbourhood of Fort-William. The public of England was then far more alarmed than their danger required; and the successes which the adventurer afterwards met with, were partly owing to the precipitant, and sometimes inconsistent resolutions of those in power. A body of troops were sent for from Holland; but when they arrived, it was found that they were bound up by former capitulations, from acting against the French. Sir John Cope, who was commander in chief for the king in Scotland, assembled between two and three thousand men, and marched northwards, with intent to attack the rebels; but before he could arrive at Inverness, they had given him the slip, and marching southwards, proclaimed the pretender at Perth, Dun-

Dundee, and other places, and the public money A. D. 1745. was seized for his use.

The young pretender had been by this time joined by the duke of Perth, the viscount Strathallan, lord Nairn, lord George Murray, Cameron of Lochiel, and other persons of distinction; tho' his followers, who were about four thousand, were but poorly armed. They, however, seized the city of Edinburgh, without meeting any resistance; but the treasure belonging to the two banks, and the plate of the principal inhabitants were secured in the castle. All acts of government passed in the name of the old pretender, who appointed his son regent; and as soon as the latter heard that general Cope was landed at Dunbar, from Aberdeen, he marched his army eastward to fight him. Cope by this time was joined by two regiments of dragoons, and some well-affected Highlanders. He was furnished with a good train of artillery. His dispositions were soldierly, and he had taken up an advantageous ground near Prestonpans. Early in the morning, he was attacked so furiously by a column of the rebels, that his army was totally defeated in less than ten minutes time. About five hundred of his men were killed on the field. Almost all his subalterns were made prisoners; his military chest and artillery were taken, and himself, with some of his principal officers, fled to Berwick. The loss of the rebels is said not to have amounted to sixty men, among whom were no person of note.

Sept. 21.

The rebels acquired great credit by this cheap and unexpected victory; and the consternation of the public was inexpressible. The levity and inexperience of the young adventurer, joined to the vanity and avarice of his followers, prevented their victory from being attended by the fatal consequences it portended. Instead of marching directly

A. D. 1745. rectly southward, which they might have easily done, they trifled away their time at Edinburgh, in raising contributions, and in fruitless attempts to become masters of the castle. This gave time for the duke of Argyle, the earls of Sutherland and Loudon, the lord Rae, the Grants, the Monros, and other well-affected clans, to take the field, while proper dispositions were making in the southern parts for the defence of the government. On the other hand, ships were daily dropping into Montrose and other harbours, with arms, men, and money, from France, for the use of the rebels. Lord Lovat, one of the most powerful noblemen in the north, was known to be well-affected to, if not embarked in, their cause. The earl of Kilmarnock, the lords Elcho, Balmerino, Ogilvie, Pittligo, and other persons of desperate fortunes, joined them, but brought little real accession of strength to their party. At last, despairing to take the castle of Edinburgh, they marched southwards, where they surprised the city and castle of Carlisle. The king, before this time, had alarmed his parliament; and two armies were formed, one under general Wade, and the other under Sir John Ligonier, to prevent the progress of the rebels. The latter eluded the most active vigilance of the royalists; and advanced into England, being about five thousand in number. They were favoured by a circumstance which distressed the royal troops, for the ground was then covered with snow. Their marches were so rapid, that they even reached Derby, which lies within fourscore miles of London, without opposition.

While the rebels lay at Derby, their leader and his followers had leisure to reflect on the madness of their enterprize. They were surrounded on all hands by distress and danger, almost all England being in arms against them. They had been prevented

vented from penetrating into Wales. They were disappointed in their hopes of being joined by the English Jacobites. Their expectations of remittances and re-inforcements from abroad had failed them; and no regard had been paid to the counsels of lord George Murray, and Cameron of Lochiel, the wisest and the bravest officers they had. After some consultation, they resolved to march back to Scotland; and, though the duke of Cumberland, with Sir John Ligonier, commanded one army in the neighbourhood of Litchfield, and Wade another in Yorkshire, they left Derby, on the 6th of December, and, excepting one skirmish at the village of Clifton, they reached Scotland without opposition. They were pursued by the duke of Cumberland, who re-took the castle of Carlisle, and made the garrison prisoners, on the 30th of December, and soon after returned to London.

The disappointment of the rebels, and their precipitate retreat from England, instead of weakening, seemed to strengthen their party; some piquets of the Irish, in the pay of France, had landed in Scotland, and the whole of their force now in arms, amounted to about nine thousand men. They had the temerity to besiege the castle of Stirling, which was defended by general Blakeney, and the good fortune to beat the royal army under general Hawley: but from that day their affairs declined. It was now thought proper to put the king's troops upon a more respectable footing, by giving them a royal leader, in the person of the young duke of Cumberland, who had a true military turn, and was greatly beloved in the army. The sudden arrival of the duke at Edinburgh, where he took the command of the army, consisting of fourteen battalions of infantry, two regiments of dragoons, and fifteen hundred Highlanders;

A.D. 1746. landers; and his advancing towards Stirling on the last of January, the rebels abandoned the siege of that castle, blew up their powder magazine, and retired towards Inverness by Badenoch. His royal highness having secured the passes of Stirling and Perth, marched northwards, coast-ways; and arriving at Aberdeen, he there held his headquarters, till his men could be refreshed, and put in a condition to march towards Inverness. During the winter, many skirmishes happened, and chiefly to the advantage of the rebels. On the other hand, the earl of Sutherland surprised the earl of Cromarty, who had declared for the rebels, and made him and his followers prisoners, and a large sum of money sent from France to the rebels was intercepted by the government.

In the mean while, the duke, whose men were in high spirits, had formed them to such excellent discipline, that he may be said to have left nothing to chance. Upon his leaving Aberdeen in the beginning of April, he pointed his march towards the Spey, the banks of which the rebels might have disputed with great advantages. They were presumptuous enough to give him no opposition, in hopes, as they gave out, of cutting off his retreat, after they had defeated his army. They were then lying at Culloden, about a mile from Inverness, and their number about eight thousand, but their heads distracted and divided among themselves. While the duke was within seven miles of their army, they formed an idle project for surprising his troops in the night, and marched seven or eight miles for that purpose; in which they entirely failed. In short, every movement they made was tinctured with presumption. Notwithstanding the fatigue their army had sustained in the night-time, they gave battle to his royal highness next day, though they were inferior to
the

the duke even as to numbers. The event was such as might have been expected. Only a part of the clans engaged, and their efforts were rather desperate than brave. They were unable to withstand the superior fire, and the firm manœuvres of a disciplined army fighting under the eye of a beloved general; and their first attack being repelled, their resistance was feeble and contemptible. The French piquets surrendered themselves prisoners of war, without firing a shot; three thousand of the rebels are said to have been killed upon the spot, or in the pursuit; and their leader fled to lord Lovat's house. It is not to be denied, that the exasperated soldiery stained their laurels by inhumanity, and that many innocent persons suffered the most cruel hardships with the guilty. The operations of fire and sword were not always warranted by necessity, and were complained of, even by the best friends of the government.

The lords Kilmarnock, Balmerino, and Lovat, were made prisoners, and lost their heads on Tower-hill, after a solemn trial by their peers, in Westminster-hall. The earl of Cromarty, and some other persons of distinction, were pardoned or overlooked; but many of their inferiors were executed, after fair trials, in different parts of England. As to their leader, after he left lord Lovat's house, he suffered incredible hardships, in skulking from one part of that bleak country to another, to avoid the pursuit of his enemies, animated by the immense rewards which had been put upon his head; thirty thousand pounds sterling having been offered from England, and more than double that sum from Ireland. Posterity perhaps will not believe, that above twenty people, all of them Scotch Highlanders, of both sexes, and in the most abject needy

A. D. 1746.

circumstances, were privy to his concealment, but resisted the temptation of his discovery; so that his escaping in a French ship to Nantes, after lurking about four months, was next to miraculous.

Upon the death of his father, even the pope and the Romish clergy refused to pay him any distinguished honours; so that he lives now in a low inglorious manner, and, to all appearance, has no friend, but his brother the cardinal of York.

The prodigious alteration for the better that has happened to the people of Scotland, since the last rebellion was suppressed, sufficiently points out the causes of her former insignificancy and poverty.

Their capital mistake lay in a ruinous adherence to the feudal forms and constitutions. This inspired the natives with family-pride and pre-possessions, and with an utter contempt for commerce, manufactures, and, in many places, for agriculture. The government of England, from the time of the union, to that of Mr. Pelham's administration, was no less mistaken in the ideas they had formed of the disposition of the Scots. That great minister removed those mistakes, by patronizing every measure that could give the Scots a relish for industry and application to all the arts, so as to remove their national prejudices; and he succeeded so well, that Scotland furnished above seventy thousand as good men as ever went into a fleet or a field during the last war. If some late incidents have created in the minds of the lower ranks of the English, a dislike to Scotland, without the smallest apparent reason, or without bringing a single fact to justify their surmises, we must trust to the rectitude of the English government, and the dutiful behaviour of the Scots themselves, for removing them, and for completing the purposes of the union, by making both nations one people.

ECCLESIASTICAL HISTORY

OF

SCOTLAND.

I Have been obliged, from the nature of my subject, to incorporate so much of the ecclesiastical with the civil history of Scotland, in the preceding part of this work, that a few pages are sufficient to give the reader all that is necessary for an adequate idea of church-affairs in Scotland.

There is an obvious reason for believing, that ^{See vol. I. p. 99.} the Christian religion found an early access into Scotland, (though it has, I apprehend, been overlooked by former historians,) which is, that it was natural for Christians to fly, during their first persecutions, to those countries where they were the least liable to be attacked by the Roman arms. This is a consideration that does honour to the independency of the Scots at those periods; but perhaps, like their civil, great part of their ecclesiastical history is raised upon doubtful foundations; and it would be of very little use to give a dry catalogue of bishops, saints, and miracles, that are warranted only by tradition. The register of the book of the priory of St. Andrew's, which is quoted by Sir Robert Sibbald, is the best evidence ^{Account of the Culdees} which I know of concerning the Culdees, who, I think, were the first regular Christian clergy in Scotland; nor do I imagine it to be of importance, whether the chief of them, Regulus, was an ab-

bot or a bishop. I am of opinion, that they were so designed from two Celtic words, which signify a black hood; for nothing can be more ridiculous than the etymologies assigned to the name by Buchanan, and other writers. Their great and most early benefactor was Hungus, king of the Picts; and their chief residence was in St. Andrew's, or its neighbourhood, according to the above mentioned register. Their next benefactor was Brude, the last king of the Picts, who gave them the isle of Lochleven, as king Malcolm and his queen did the town of Balchristie. They were long in vast reputation for the sanctity of their manners, and the purity of their religion; and, if we are to judge candidly, they were all of them presbyters, and did not practise auricular confession, and many ceremonies afterwards introduced by the church of Rome.

Sibbald's
History of
Fife.

They seem to have been a kind of monks, but under regulations; and, according to many evidences from Alcuin, Bede, and other authors, they were totally averse to Romish superstitions. They seem to have kept possession of the town of Balchristie, as well as of Kirkness, which was given them by Macbeth, son of Finlay, and other very considerable districts, for several ages. Their state of equality rendered them obnoxious to the English and French clergy, who called them Scotchmen who ordained into sacred orders without licence from their superiors; but calling themselves bishops, that is overseers. When the Romish interest prevailed in Scotland, and got footing at court, some of the Culdees conformed themselves to the papal usurpations. But by that time they had exceeded the bounds of Fife, and had possessions throughout almost all Scotland. A married man might become a Culdee; but after professing himself such, he could not keep his wife, or any suspected

suspected woman in his house. The wars between the Scots, the Picts, and the Danes, gave the first blow to their order. The latter were Heathens, and put the most eminent Culdees to death; but their places were not supplied by men of equal learning and sanctity as their predecessors were. The Scotch antiquaries and historians agree, that their chief person had the title of episcopus, or bishop; and that he had an equal share of the offerings made at the altar; but that this episcopus acted only as overseer of the others, who were attendants upon the poor, and ministered to their wants, the divine service being performed by their overseer. In proportion as the sanctity of their order declined, their persecutions encreased; for we are told, that they were plundered by the Pictish princes, and others, of many of the estates conferred upon them, till they were restored by king Alexander I. Historians are indeed of opinion, and the authority of the records they write from, seems to be unquestionable, that their overseer or bishop was chosen by themselves, and that he was known by the name of *Scotorum episcopus*.

When the Romish ceremonies prevailed, about the reign of Malcolm Canmore, and a papal hierarchy was introduced, that prince divided Scotland into dioceses, each of which was to be governed by a bishop, ordained according to the Roman ritual. Popery, therefore, may be said to have been of a late institution in Scotland. Its first apostle was Palladius, who was sent thither by pope Celestine, on pretence of combating the errors of Pelagianism. His chief residence was at Fordun in the county of Mearns; but the Culdees made a vigorous defence against the invasions of the Romish church, till the year 1273, when William Wisheart was preferred from the see of Glasgow, to that of St. Andrew's. Urban IV. was then pope, and

and found the state of religion in Scotland most dreadfully shattered by the ambition of churchmen. The archbishop of York pretended to a metropolitical power over the Scotch Romish prelates, which never had been submitted to; and

Vol. II. p. 12. we have already seen the noble stand made by king Alexander III. against the encroachments of the

pope's legate, who pretended his legantine commission extended to Scotland, as well as England.

All the particulars of that prince, and his clergy's independency upon the pope's temporal power, can admit of no dispute. As we have represented it

Ibid. in the former part of our history, it now remains that we give some account of the ecclesiastical councils, a chronological index of the national councils of the church of Scotland, from that accurate writer, Innes.

Innes's En- " 1. The first of this kind that I find recorded
quiry. in history, was under the reign of Kenneth Mac-Alpin, about the year of our Lord 850: among these laws, which * Fordun calls *Leges Macalpinæ*, as they are set down by † Boece, there are some statutes concerning ecclesiastical matters, which were, no doubt, made in an assembly, with the concurrence of the bishops; as it was the universal discipline of the church in those times, that no ecclesiastical laws could be enacted without episcopal authority and concurrence. And though we have now no farther accounts of these laws, than what the two above-mentioned writers, and Winton contain, it cannot be reasonably doubted of; but that this victorious king would not fail, upon the union of the Pictish and Scottish kingdoms, after the confusions of war were over, to make new laws for his united kingdoms, proper to heal all intestine discords. It is most likely, that these

* Fordun, lib. 4. c. 8. p. 293. edit. Hearne.

† Boeth. Hist. fol. 208. 1st edit.

laws were made at Scone, where king Kenneth had settled the chief seat of his united kingdom.

“ 2. We have a more certain account of another council or assembly, holden also at Scone *, the sixth year of the reign of our king Constantin, son of Eth, (A. D. 906) in which the king Constantin, and Kellach the bishop, with the Scots, solemnly vowed to observe the laws and discipline of faith, the rights of the churches, and of the gospel, on a little hill, called from thence *Collis credulitatis*, (*Knol creidimh*, I suppose, in the vulgar language), near the royal city of Scone. It is like it was the same place so famous afterwards by the name of the Mute-hill of Scone; in Latin, *Omnis terra*.

“ 3. During the reign of Malcolm Keanmore, about A. D. 1073, or 1074, several national councils were held in Scotland by the pious zeal of his royal consort St. Margaret †, as Turgot, (who, it is like, assisted himself at these councils), relates in her life, for the re-establishing ecclesiastical discipline, and the reformation of manners. Some extracts of the canons of these councils are set down by Turgot. But the whole acts and canons at length, were, no doubt, deposited either at Dunfermline, founded in this reign, or at St. Andrew's.

“ 4. A. D. 1126, under the reign of king David I. a council holden at Roxburgh, by the cardinal legate, John of Crema. *Decem Scriptores Angliæ*, col. 252.

* In VI. anno (regni sui) Constantinus, rex (filius Edii) & Kellechus episcopus leges disciplinasque fidei, atque jura ecclesiarum, evangeliorumque pariter cum scottis in colle credulitatis prope regali civitate Scoan (sic) devoverunt custodiri: ab hoc die collis hoc (nomen) meruit, i. e. collis credulitatis. V. Innes's append. n. 3.

† Vita S. Margaretæ reginæ in actis sanctor. Boland ad 10 Jun.

“ 5. A. D.

" 5. A. D. 1138, in the same reign, another national council of the bishops of Scotland, holden by the legate Alberic, at Carlisle, where, in those days, king David kept ordinarily his court. *Decem Scriptorum Angl. col. 264.*

" 6. A. D. 1177, a national council at Edinburgh, holden by the cardinal legate Winian, with the bishops of Scotland, in which many ancient canons were renewed, and new ones enacted. *Chron. Maylr. hoc anno & Fordun, edit. Hearne, p. 714.*

" 7. A. D. 1201, in December, a national council was holden at Perth, by John de Salerno, cardinal-legate, in which many canons were made. *Chr. Maylr. Hoveden, p. 468. &c.*

" 8. A. D. 1206, a national council, (called in the original writ, *Synodis generalis*), holden at Perth, in April. *Ex charta penes Vicecomitem de Arbuthnot.*

" 9. A. D. 1211, a national council holden at Perth, by William, bishop of St. Andrew's, Walton, bishop of Glasgow, and the other bishops of Scotland. *Scotichron. Paslaten. in Biblioth. Regia Londin. lib. 9. c. 78.*

" 10. A. D. 1221, James, canon of St. Victor at Paris, penitentiary of the pope, and legate to Scotland, held a national council of all the prelates of Scotland, at Perth, during four days, in the month of February. *Scotichron. idem. lib. 9. c. 37.*

" A. D. 1225, a mandate of pope Honorius III. the 19th of May, the ninth of his pontificate, to all the bishops of Scotland; by which, after having told them, that whereas he had been informed by some of them, that, for want of a metropolitan, by whose authority they might regularly hold provincial councils, the canons were not duly observed, and many other abuses happened; there-

fore he enjoins them, that since they had not a metropolitan, they should convene, by his authority, to celebrate provincial councils; which, says the pope, ought not to be omitted. Ex Chartular. vet. Moravien. fol. 11. & Chartular. Aberdeen. fol. 25. in Biblioth. Jurid. Edinb.

“ 11. In consequence of this mandate, and upon receiving it, the bishops held a * national or provincial council of all the prelates of the kingdom, in which they regulated the form of holding it; and enacted, 1°, That, according to the † canons of the church, a provincial council should be holden every year, at which all the bishops, abbots, and priors, should assist, to regulate all ecclesiastical affairs. 2°, That at each ‡ council a conservator, being one of the bishops, should be chosen by common consent to preside, instead of a metropolitan; and who, in that quality, should punish all the transgressors of the statutes of the councils, and by the authority of the same. 3°, That || at each council the bishops shall preach by turns; beginning by the bishop of St. Andrew's, &c.

“ 12. In the Chartulary of Murray we have an account of another national council, indicted to be holden ** in domo Fratrum Prædicatorum de Perth, on Wednesday before the feast of St. Luke, in October, but without the date of the year; only it must have been some years after A. D. 1230, when the Black Friars first came into Scotland. However, in this act we have the form of the bishop-conservator, his indicting or convoking the yearly council, autoritate conservatoria, as the act

* Statuta generalia ecclesiæ Scotticæ, Can. I. in Chartul. Aberdeen. supra.

† Ibid.

‡ Ibid. Can. II.

|| Ibid.

** Chartul. vet. Moravien. fol. 93. in Bibl. Jurid. Ed.

bears, by a letter to each bishop, charging him to give his presence at such a place, (which was commonly the convent of the Black Friars of Perth) on such a day, with continuation of days; together with the abbots and priors, the proctors of chapters, colleges, and convents of his diocese, there to treat of the reformation of the state of the church, &c.

“ I call all these councils national, because they were composed of the bishops, prelates, proctors of the chapters, and of all the clergy of the kingdom; though, in the precise language of the canon law, these councils, being held by the bishop-conservator, instead of a metropolitan, and so by an archiepiscopal authority, according to the pope's mandate, they are called by the pope, and by the bishops themselves, provincial councils; and, by our parliaments, parliaments general, or general provincial councils.

“ 13. A. D. 1239, the cardinal-legate Otho, having at last obtained leave of king Alexander II. (who, * two years before, had absolutely refused to suffer any legate to enter his kingdom), came into Scotland about the end of September, held a national council at Edinburgh, the 19th day of October, and departed in the beginning of November. Scotichr. Passat. lib. ix. c. 54.

“ 14. A. D. 1242, a national council held at Perth. Scotichr. Passat. lib. ix. c. 59.

“ 15. A. D. 1268, Othobon, cardinal-legate in England, cited the bishops of Scotland to a council, which he was to hold in England; two of them went as deputies from the rest, but refused to accept of the canons of his council; and being returned home, they, with all the rest of the bishops and clergy of Scotland, held a national

• Matth. Paris. p. 301.

council of their own, in their usual manner, at Perth. Scotichr. lib. x. c. 25.

“ 16. A. D. 1273, a national council at Perth. Scotichr. lib. x. c. 33.

“ 17. A. D. 1275, a national council at Perth, in presence of Bagimond, the pope's nuncio, who came to collect the taxations of all benefices, and settled a roll of those taxations, that served for a rule in following times, to which our acts of parliament * refer. Scotichr. lib. x. c. 35.

“ 18. A. D. 1280, a national council holden at the Black Friars of Perth, on Monday after St. Bartholomew's day, in August; mentioned in a sentence of Archibald, bishop of Murray, this year. Chartular. vet. Eccl. Moravien. fol. 46. in Bibl. Jurid. Edin.

“ 19. A. D. 1310. a national council holden at Dundee, in which, among other acts, king Robert 1st's right to the crown is asserted, by all the bishops and clergy of Scotland. Independency, by Mr. Anderson, append. num. 12.

“ 20. A. D. 1321, a national council holden at Perth in July, mentioned in the rolls of king Robert I. n. 85. Ex Collect. Comit. de Panmure, p. 65.

“ 21. A. D. 1234, a national council holden in March, at Scone: it is called in the act, Generale Concilium. Mentioned in a writ in the Chartulary of Glasgow, of this year.

“ 22. A. D. 1420, a national council holden the 16th of July, at the Black Friars of Perth, by William, bishop of Dunblain, conservator; and, in that quality, president of the council. There is an act of this council, concerning the quotes of testament; but the act is more considerable, because it describes the form of the council, which is

* Jam. III. parl. 6. c. 44. Jam. IV. parl. 4. c. 39.

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there called, *Synodis Provincialis & Concilium generale Cleri Regni Scotiæ*, with the names of the bishops present in person, or by procurator, &c. Among other things it appears, that the decrees or statutes were sealed by all the bishops seals. This act is in the original Chartulary of Brechin, penes Comitum de Panmure, fol. 62.

“ 23. A. D. 1457, a national council at Perth, in which, among other acts, a declaration was made concerning the king's right of nomination to benefices during vacancies of bishopricks, &c. Records of Parliament of King James III. fol. 75.

“ 24. A. D. 1459, a national council holden in July, at Perth, by Thomas, bishop of Aberdeen, conservator; and in that quality president of the council: in which the aforesaid declaration was renewed. Records of Parliament as above.

“ 25. A. D. 1487. I find, in a chartulary of Arbroth, a deputation made by the abbot and convent of that abbey, of procurators to assist at a general or national council, to be holden this year at St. Andrew's. Chartular. maj. Aberbroth. fol. 115. in Bibl. Jurid. Edinb.

“ 26. A. D. 1512. a national council holden at Edinburgh. Mentioned by bishop Leslie in his History of Scotland, p. 356.

“ 27. A. D. 1536. a national, or, as it is called in the act, a general provincial council of Scotland, to be holden the 1st day of March next to come, 1536, in the Black Friars at Edinburgh, by the archbishop of St. Andrew's; ordered by act parliament, in Jan. 1535. Records of Parliament of King James V. fol. 8.

“ 28. A. D. 1546, a national council holden at Edinburgh, by cardinal Beaton, archbishop of St. Andrew's, and primate, for the reformation of the

the lives and manners of churchmen. Buchanan's Hist. lib. xv.

" 29. A. D. 1549, a national council begun at Lithgo in August, and transferred in September to Edinburgh, holden by John Hamilton, archbishop of St. Andrew's, and primate, for reformation of the ecclesiastical discipline.

" 30. A. D. 1552, a national council holden at Edinburgh, in January, by the same archbishop. It was in this council that the Larger Catechism printed at St. Andrew's in Aug. following by this archbishop's order, was approved. Less. Hist. p. 4;

" 31. A. D. 1559, the last national council of Scotland, holden at Edinburgh, in March, by the same archbishop, for reformation of ecclesiastical discipline. Less. Hist. p. 504. 505."

Besides those national councils, an assembly of the council, or provincial council, was held every year; but, through the ravages of the reformers, their proceedings are lost. But I am now to resume the history of the Culdees, who, as I have already observed, were a body of clergy entirely distinct from that of the Romish church. Their order began to recover itself under Alexander I. and they enlarged their church at St. Andrew's. The expences of this building seems to have broken in upon the œconomy of their finances, and the Romish clergy, particularly the bishop of Carlisle, by supplying their wants, omitted nothing that could bring them within the pale of their hierarchy. They succeeded so well, that their head embraced the ceremonies introduced by St. Austin among the Saxons, and conformed to the church of Rome in the modes of keeping Easter, chrysm, and tonsure; and even received benediction from the bishop of York. David I. with all his virtues, was a slave to the church of Rome, having been educated in England. He therefore made it a principle of

See Vol. I. of conscience to displace the Culdees from the government of the church, and winked at the intrusions of the archbishop of York upon the Scottish clergy. His liberality to the popish priests knew no bounds. He erected the bishopricks of Ross, Brechin, Dunkeld, Dumblane, with the abbeys of Spotswood. Jedburgh, Kelso, Melrose, Newbottle, Holyrood-house, Kinloss, Cambus-Kenneth, Dundrennan, and Holmecultram in Cumberland; he founded likewise two religious houses at Newcastle, one for the Benedictines, another for the White Monks; and for professed virgins two monasteries, one at Berwick, and another at Carlisle: all which he provided with competent revenues.

The head Culdee, bishop Robert, died about the year 1159, and by degrees the Culdees were deprived of voting for a bishop of St Andrew's, or rather that see was usurped by the popish clergy, and the Culdee power was reduced to that of electing their own head. They preserved, however, a considerable part of their estates, and asserted their ancient privileges with so much spirit, that the Romish clergy resolved upon their utter destruction. After the death of William Wishart, who had shut them out of all share in his election, his successor, William Frazer, followed his example, but not without violent opposition from the Culdees. I am apt to believe, (and indeed the thing speaks itself), that this opposition of the Culdees to the established church, was privately encouraged by many of the great men, and by the kings themselves, who were not implicitly devoted to the church of Rome, and served to establish that very remarkable independency upon the popish see, to which all the other powers of Europe submitted, and which the kings of Scotland alone durst dispute. The latter did not, indeed, pretend to any purity of doctrine, and submitted to the practice

tice of all the Romish ceremonies and superstitions. They took care, however, to the honour of their nobility and people, to preserve the line between the civil and spiritual power, which, in all countries round them, had been obliterated by papal avarice and ambition.

About the year 1219, the popish interest in Scotland received a strong reinforcement by the introduction of the orders of St. Dominick and St. Francis. We have already seen the noble conduct of Alexander II. with regard to the church of Rome; but, as the introduction of those orders was a matter purely spiritual, he did not think himself at liberty to oppose it, though he did the contributions which cardinal Egidius the legate attempted to make in his kingdom, as I have mentioned in the history of that spirited prince. His successors happened not to inherit the same noble cast of independency upon the pope. It must, notwithstanding, be acknowledged, that even the Scotch bishops, though they hated the Culdees, joined with the nobility in their opposition to papal encroachments; but they daily gained ground through the bigotry of their sovereigns. In 1280, Frazer, who, as I have observed, had been elected to the bishoprick of St. Andrew's, submitted to be consecrated at Rome by pope Nicholas III. and the Culdees, whom I must still keep my eye upon, as the champions of Scotland against popery, again renewed their claims, but with what success does not appear *. They had a difference

* Sir Robert Sibbald, though he had no great critical knowledge as an historian or antiquary, is, I acknowledge, my chief light as to the affairs of the Culdees. He published his History of Fife, many years before his death; and he there appeals to the large register in the priory of St. Andrew's, in the appendix of which there is a paper, entitled, *Relatio quid acciderit de controversia post mortem Willielmi Frazer, episcopi, & instrumentum de eo* 1209. (the

with the bishop of St. Andrew's, concerning some lands towards the south of the Forth, for so the *Mare Scoticum*, or Scot-water, was termed; and it was decided by Randolph, the regent earl of Murray, probably against them. The reader who has consulted the preceding history of Scotland, can be at no loss to account for the great ascendancy which the papal authority had in Scotland, though without impairing the civil rights of the kingdom, during the reigns of the immediate successors of Robert Bruce, and we are not to be surprised, if a private body of clergy, as the Culdees then were, were born down by the papacy, which the greatest monarchs could not withstand.

Sibbald mentions a record in the Lawyer's Library, of a hearing before the abbot of Dumfermling, between the prior and convent of St. Andrew's, on the one part; and Mr. Adam Malkarwistun, who pretended to be provost of the church of the holy Mary, in the city of St. Andrew's, and the Culdees, who affirmed that they were canons, and their vicars, on the other. This cause came, by way of appeal, into the court, and the reader cannot doubt, that the poor Culdees were non-suited. If this record, however, is genuine, it affords a noble proof of their resistance to papal usurpation. Spotswood informs us, that, so late as the year 1298, the Culdees opposed the advancement of bishop Lamberton to the see of St. Andrew's; and that as many Culdees as became

(the date is manifestly a mistake of the printer). Another paper of the same index is entitled, *Decisio Controversie inter Keledeos & Episcopum, de Jurisdictione agri per Th. Ranulphum Gardianum citra mare Scoticum, Anno 1309*. The title of another paper is, *Petitio Keldeorum & subiectio eorum Episcopo S. Andrie*. Notwithstanding the mistakes of the above dates, which are not unusual in books so incorrectly printed as that of Sibbald, I must suppose that this register was extant in his time, and perhaps is now, for (if I mistake not) he died since the year 1720.

canons, that is, popish clergymen, were, by a compromise made by David I. admitted to vote in the election of a bishop. This privilege, tho' it seems to have been the first stroke that affected the Culdees as electors, was afterwards evaded, or rather abolished by the pope's bull, for admitting none into the convent without the consent of the prior, who was a Romanist, and the majority of the canons. This effectually excluded the Culdees from all share in the election; but their provost, William Cumin, was ill enough advised to appeal the cause of his confraternity to Rome. This was a fatal step for the Culdees, because it admitted, in matters of election, a paramount power in the pope, which their predecessors had always opposed. From that time the Culdees made no figure, and their order became extinct by degrees. About this period happened the extinction of the order of knights-templars in Scotland. Lamberton proved a wise prelate, and a great patriot. This age gave birth to the famous John Duns, so called from a town of that name in Merns. The English writers contend, that he was their countrymen, and it seems to be admitted, that he received his education in England. By the character of his philosophy, he attained the name of Doctor Subtilis, or the Subtle Doctor.

The reader, perhaps, may think, that I ought to mention, in an ecclesiastical history, the names of many other learned men, who are said to have flourished in Scotland at or before this time. I very readily acknowledge, that learned men do honour to every country; but I cannot help thinking, that the Scotch biographers claim many men of learning, who have no title to that distinction, and that both Dempster and Mackenzie have inrolled in their works many writers, Scotchmen, who had no claim upon that country for

their birth. The place of the nativity of othess is at best doubtful, and some of their literati reflect disgrace on learning by their zeal and bigotry. I shall, however, mention some of the most remarkable, whose virtues and talents did honour to their country.

Pelagius. I see no reason for not supposing the famous Pelagius to be a Scotchman. It is not my province to enter into a disquisition of his merits as a divine, and the author of a sect, but he certainly was a man of great penetration; he reasoned accurately; his sentiments were generous and manly, and the greatest masters in philosophy have embraced his opinions under different modes. It is most probable that he was a Cumbrian, or Irish Scot, and he is said to have been born in the year 354. One

Columbanus.

Columbanus is said to have been abbot of Bobio and Luxevil. The Irish claim him for their countryman, but the acquisition would do them no great honour, for we know little more of him than that he was engaged in the ridiculous controversy about Easter, and other trifles of that kind, and that he died in exile in 615. Many authors

Boniface.

have mentioned St. Boniface, archbishop of Mentz, and the apostle of Germany, as a Scotchman. The English, upon at least equal authority, claim him for their countryman. He flourished about the year 730. There seems to be more reason for maintaining, that Johannes Scotus Erigena was a

Johannes Scotus Erigena.

native of Ayr in the west of Scotland. He was deeply concerned about the year 844, in the controversy about the eucharist, and the doctrine of transubstantiation; and he had the honour to write a book, by command of Charles the Bald, against the monk Paschasius, who first broached that doctrine. This book became afterwards very famous, and the author is often quoted under the name of Bertram, by the heads of the reformation. It had

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the honour to be put in a the Index Expurgatorius by the council of Trent, but it met afterwards with more quarter from Roman Catholic writers. After all, it is not certain whether Bertram and John Scot were the same; the latter undoubtedly wrote a book upon that subject, but some say it is lost. This is the John Scot, who, after teaching for three years at Oxford, retired, according to our English historians, to Malmesbury, and was there murdered by his scholars; but Mackenzie denies him to have been the same.

Albin, the founder of the university of Pavia, Albin. most probably was a Cumbrian Scot, and he appears to have been a different person from Alcuine, tutor to Charles the Great. He wrote, by that prince's order, in defence of image-worship, which he distinguished from that of idols. He flourished about the year 824, and died at Pavia. Contemporary with them was Clement, Clement. who is said to have been the first founder of the university of Paris. He wrote a book against image-worship, and another in defence of Arianism. He is said to have been the founder of that university only because he was the first who, by the emperor's order, taught a school in that metropolis. It is very doubtful whether Rabanus Maurus, Rabanus. Maurus. archbishop of Mentz, was a Scotchman. He was well skilled in the learning of those times, and died in 856. The Scotch writers think themselves intitled, by the name of Marianus Scotus, Marianus Scotus. to claim him for their countryman. He is said to have been driven out of Scotland by the tyrant Macbeth, and to have been professor of theology and mathematics at Ratisbon, about the year 1070. He is thought, but without good ground, to have been the author of the Notitia utriusque Imperii, for he was only the transcriber, as the book was written in the reign of Theodosius the younger; though, ac-

cording to Pancirolus, the copy of it by Marianus was discovered in *Ultimis Britannii* (which the reader may interpret Scotland) in the year 1571. Its great use in investigating the Roman antiquities in the lower empire is well known to the learned.

David Scot. David Scot is said to have been historiographer and poet laureat to Henry the fifth of Germany towards the middle of the twelfth century. It does not appear clearly that Ælred abbot of Rieudal was a Scotchman; but he tells us himself, that he was bred up from his infancy with prince Henry, son to David the first, which affords some presumption that he was, though I much doubt it. I have mentioned him in the foregoing history, in the life of that prince, as author of the *History of the Standard-war*. He died in 1166. Contem-

Adam Scot. porary with him was Adam Scot, a canon-regular of the order of Premonstre. He wrote concerning the immaculate conception of the blessed Virgin. Of equal importance is the name of Richard abbot

Richard de St. Victore. of St. Victoire, who wrote concerning the temples of Solomon and Ezekiel, and undertook to reconcile the seeming contradictions in the Old Testament. Dempster says, "That Johannes à Sacro

Johannes à Sacro Bosco. Bosco, who was professor of the mathematics at Paris, and a very able astronomer for that time, died in the year 1256."

Simon Taylor. Simon Taylor, a Scottish Dominican friar, is noted for being a great church-musical genius, and he lived about the year 1215.

The Scots, as well as other northern nations, had their prophets and necromancers. Among the former was a gentleman of the name of Learmont, who is said to have foretold the unfortunate death of Alexander the fourth; and his prophecies are still, or at least lately were, in great reputation with the Scotch commonalty. I ought, perhaps, before to have mentioned St. Patrick, the apostle of Ireland, who undoubtedly was born in Scotland, and

and is said to have been a great worker of miracles. Notwithstanding the fictions with which his history is over-run, he certainly was a very extraordinary person; and it was the credulity of the age that has rendered his history fabulous. The Irish claim St. Columba and many other saints of the same miraculous order, as their countrymen. The Scotch biographers contest the matter, which is not worth a dispute. I have in the body of this history mentioned some other Scotch saints, priests, and prelates, who acted in the double capacity of civil and temporal ministers.

The first Scotchman who seems to have acquired a supernatural character by his unusual application to study, is Michael Scor, of Balwirie. He was one of the greatest scholars of his time. He not only understood Greek and Latin, but Arabic. He was complete master of all the philosophy known in his time, both natural and moral.—He translated Avicenna's History of Animals from the Arabic into Latin, which he dedicated to the emperor Frederic the second. In his Treatise of the Secrets of Nature he follows the principles of Aristotle and Galen; but he pushed his studies into physiognomy, astrology, and alchemy, which, no doubt, gained him the name of a necromancer. He lived in the reign of Alexander the second, and had merit enough, as a learned man, to have pretended to one of the first ranks of literature, had he not debased himself in hunting after ridiculous chimeras. I can see no reason for doubting that the historian John de Fordun took his name from the place of his nativity at Fordun, a small village in the Merns. I have often had occasion to mention him as a faithful diligent writer, though he was not without his portion of credulity likewise in matters of high antiquity. His history was in very great esteem in
England

England as well as Scotland, as appears by the vast number of its manuscripts to be found in both kingdoms; and the author was born about the latter end of Alexander the third's reign. He was well acquainted with the works of all the English historians, and visited the chief repositories of learning in both kingdoms.

John Blair was a Benedictine monk, and likewise born under Alexander the third, whose reign seems to have been fertile in learned Scotchmen. He is said to have been a school-fellow of that great patriot and warrior the regent Wallace; and after receiving his education at Dundee, he went over to France, and from thence to Italy. Returning from his studies abroad, he retired to his cloister, from which he was called by Wallace, when he was chosen regent, and made his chaplain in 1294. He fought, as well as prayed, with that hero. He shared with him in all his dangers, and was his companion in all his exploits. It may here properly be mentioned, that Wallace himself was a poet, after the manner of those days. The following distich, composed by him, has come to our hands, and it is perfectly agreeable to his character.

Duo tibi verum, libertas optima rerum,
Nunquam servili sub nexu vivito fili.

This composition may be called doggrel, yet its rhiming turn adapted it well to the common use of those Scotchmen who were determined to oppose, at the peril of their lives, the English yoke. Blair wrote the history of his patron and friend, Wallace, in Latin; but a fragment of it only remains. He concludes his work with the following rhyme.

Non Scotus est Christus, cui liber non placet iste.

Which

Which may be thus literally translated :

By Christ, he is no Scot—whom this book pleaseth
not.

The fragments that remain of Blair's history were printed at Edinburgh, by Sir Robert Sibbald, in 1705.

I have more than once, in the preceding part of this history, mentioned Barbour, archdeacon of Aberdeen, the author of king Robert the first's life. His work is one of the noblest portions of history that any country can produce. It procured him a pension from that prince's son, David; and it is a matter highly worthy of investigation, to inquire into the reasons why the Scotch court had so much the start over that of England, as to language; for it is certain that no English composition, in the year 1368, is comparable, in that respect, to Barbour's work; and from the specimen of it I have given in this history, its versification is equal, if not superior, to that of Chaucer, as I have already observed. I cannot account for this better, than from the history of England itself, by which we learn that, at the time of the Conquest, the chief Saxon patriots retired northwards, and, undoubtedly, carried with them the English language, when the French was cultivated at court. The vast possessions the kings of Scotland had in the northern counties of England, where the manners of the people were more polished than those of the Scots, who spoke the Gælic, or Erse, naturally rendered the Anglo-Saxon tongue the favourite language at the court of Scotland, where, as in the north of England, it was studied and improved with more assiduity than in the southern parts, where it was held in contempt by the body of the clergy, and the great Norman nobility. As a proof of the authenticity of his history, Barbour
often

See vol. II.
p. 178, &
188.

often quotes the names of those who gave him information concerning his hero; witness the account he gives us of the action between Bruce and Sir Aymer de Valence :

A knight that then was in his rout,
 Worthy and wight stalward and stout,
 Courtels and fair, and of good fame,
 Sir Allan Cathkart is his name,
 Told me this tale I to you tell.

The above were the chief learned Scotchmen who flourished before the reign of James the First, who, as I have observed, had a polite education in England.

William Landells, provost of Kinkell, was consecrated bishop of St. Andrew's about the year 1341. He was a very magnificent prelate, nobly born, and heir to great estates. He filled that see forty-four years, and was taken prisoner, with his master, David Bruce, at the battle of Durham. During his administration, the property of Scotch prelates underwent an important alteration. Before his time, the king's officers seized all their moveable goods; but he obtained liberty for them to convey them by testament to whom they pleased; and if they even died intestate, their next of kin might sue for the inheritance. He was succeeded by Walter Trail, who obtained a great character both as a statesman and a bishop. He died in 1401; and I have, in the civil history, mentioned some particulars of his successors in that see, and the foundation of the university of Aberdeen.

See vol. III.
 P. 242.

Scotland was not without its share of martyrs to Wickliffism. One Resby, an Englishman, was seized in Scotland. Being condemned for heretical opinions, he suffered at the stake, as did one Paul Craw, a Bohemian about twenty-four years afterwards. This happened while Henry Wardlaw

law was bishop of St. Andrew's, and when the great Scotch clergymen courted pope Benedict the thirteenth, who resided at Avignon, for their preferment, during the schism in the Romish church. James the first, by way of reproach to the degeneracy of his clergy, for whose reformation he was excessively anxious, introduced the Carthusian monks, and paid too great attention to the see of Rome. Perhaps his zeal for the encouragement of learning in his dominions might be his chief motive; but it is remarkable, that those kings of Scotland, who resided longest in England, were the greatest votaries to superstition; and the weakest in the religious oeconomy of their kingdom. This was the more inexcusable, as they had nothing to apprehend from the spirit of the people, who were entirely free from all predilections for the holy see. Thus early was the blood of Stuart contaminated with that infection, which has brought it to disrepute and misery.

Vol. III. p.
306, *ibid.*

The successor of Wardlaw, in the bishopric of St. Andrew's, was James Kennedy, who was nephew to James the first, by the countess of Angus, that prince's sister. He was one of the greatest statesmen, as well as prelates, that Scotland ever produced; and his death, which happened in the year 1466, proved to be an irreparable loss to his country, as may be seen in the preceding history. He erected and built, from the ground, a college at St. Andrew's, now called St. Salvator's college, and endowed it with noble revenues and costly ornaments. The strictness of his deportment, his pastoral cares, and the sanctity of his manners, joined to his high birth, procured him, amongst his countrymen, more authority than a crown can ever bestow, without personal virtues. Under him the clergy of Scotland were remarkable for their piety, and regularity of life. Kennedy was succeeded by

See vol. IV.
p. 32.

See vol. IV.
p. 112. *ibid.* his uterine brother, Patric Graham. We have already seen how this well-meaning prelate's zeal for the independency of the Scottish church, made him odious to the clergy. He was, by pope Sixtus the fourth, made an archbishop, in order to extinguish the metropolitical claims of the archbishopric of York over the Scotch clergy. Their behaviour, on this occasion, is one of the most pregnant proofs we meet with in history, of Romish ecclesiastics disclaiming the temporal power of the pope. But as this subject is intimately connected with civil affairs, it has been already fully discussed. *Ibid.* p. 114. & seq.

The degeneracy and avarice of the court of Rome overlooked the wound which had been given to its authority in the person of its legate, archbishop Graham. Scheves was advanced to the see of St. Andrew's, in the manner already related; but Spotswood seems to have no great opinion of his administration. While Scheves held that see, the bishopric of Glasgow was erected into an archbishopric under Blacater. This occasioned some dispute between the two metropolitans, concerning the extent of their jurisdictions, but it was soon settled. The sees of Galloway, Argyle, and the Isles, were subjected to the archbishopric of Glasgow; but that of St. Andrew's obtained the precedency. *Ibid.*

About the year 1478, the Lollards (for so the Wickliffites were called) had gained such footing in Scotland, that the following twenty articles were circulated through the western counties of Scotland.

Spotswood. That images ought not to be made, nor worshipped.

That the relics of saints ought not to be adored.

That it is not lawful to fight for the faith.

That Christ gave the power of binding and loosing to Peter only, and not to his successors.

That





EUGENE IV.

That Christ ordained no priests to consecrate.

That after the consecration in the mass, there remained bread, and that the natural body of Christ is not there.

That tithes ought not to be paid to ecclesiastical persons.

That Christ, at his coming, did abrogate the power of secular princes.

That every faithful man and woman is a priest.

That the unction of kings ceased at the coming of Christ.

That the pope is not the successor of Peter, except in that which our Saviour spake to him, when he said, Go behind me, Satan.

That the pope deceiveth the people with his bulls and indulgences.

That the mass profiteth not the souls that are in purgatory.

That the bishop's blessing is of no value.

That indulgences should not be granted to fight against the Saracens.

That the pope exalts himself above God, and against God.

That the pope cannot remit the pains of purgatory.

That the excommunication of the church is not to be feared.

That in no case it is lawful to swear.

That priests may have wives according to the ordinance of the old law, and that true Christians receive the body of Christ every day.

Several persons were cited before the council for favouring those opinions; but the times were such as did not admit of their being capitally persecuted, so that they were dismissed with a gentle reprimand. James Stuart, a natural son of James the third, but preferred to very high titles, some of them royal, and at the same time chancellor of

Scotland, was the next archbishop of St. Andrew's. We know nothing of him farther, than that he was young, and died in 1502. It appears, about this time (and the practice soon after was carried much higher) as if the great church-livings in Scotland had been marked out as appenages to the spurious blood of the kings, for the next archbishop of St. Andrew's was Alexander Stuart, bastard son to James the fourth, of whom I have given a full account in my civil history: Upon his being killed at the battle of Floddon, the queen-mother, for some time, acted as regent of the kingdom. No sooner did she fix her affections, which she seems to have done very early after the king's death, upon the earl of Angus as a husband, than she threw her eye upon the archbishopric of St. Andrew's, as a provision for his uncle

Vol. III. p.
171.

Ibid. p. 584.

Gayin Douglas. The opposition she met with in this attempt has been already fully described in the civil history; and gave rise to many national calamities. It is sufficient here to repeat that Forman, bishop of Murray, obtained the archbishopric in preference both to Douglas and Hepburn, another candidate; and upon Forman's death, James Beaton, archbishop of Glasgow, and chancellor of the kingdom, was preferred to the metropolitan see. Other great families, besides the royal, during the minority of James the fifth, aspired to rich ecclesiastical livings; but still the pope had a strong interest at court, as he had carried the archbishopric of St. Andrew's for Forman. Beaton had opposed the Douglasses so violently, that he had lived, for some time, a kind of an exile upon the borders; and when the queen conceived the invincible distaste she ever afterwards entertained against her husband, the earl of Angus, and had even a third husband in her eye, Beaton became her favourite ecclesiastic.

From

From the civil history of Scotland cardinal Beaton, the second archbishop of St. Andrew's of that name, appears to have had a strong resemblance in many respects to Wolsey, but without the magnanimity of the English prelate. Both of them had the like ambition, the like spirit of intrigue, and the like cast for pleasure, though that of Beaton was more avowed and flagitious; nor do we find that Wolsey was tainted with the detestable rage of heretic-burning, which disgraced the ministry of Beaton. The death of Hamilton, abbot of Ferm, who was burnt for heresy, and the other execrable proceedings against the reformed, form great part of the civil history of the time; because the violence of the clergy laid the foundation for the liberties of the laity in ecclesiastical matters. They unhappily were but too agreeable to the gloomy temper and despotic turn of James the fifth; so that the Scotch clergy, from being (as I have already observed) the best ecclesiastical subjects in the world, became the worst. This degeneracy was not, as in other countries, the effect of enthusiasm or conviction, but arose merely from temporary views. Few or none of them had a competent share of learning for their vocation; and it appears, from many accidental circumstances that have come to our knowledge, that their religion consisted chiefly in the mechanical returns of their hours of devotion, which passed in repeating by rote their Pater noster, Ave Marias, and the like exercises. Some reformers, on the other hand, were warm, serious, and earnest in their opposition to the clergy; and, though no way remarkable for learning, they baffled their antagonists by their knowledge of the scripture, which had been translated into English.

As to James, he appears by nature to have been not so much disposed to bigotry, whatever preceding

See vol. V.
p. 133.

preceding writers may have asserted on this subject, as to despotism. He made more free with his clergy than his uncle Henry the eighth did ;
 Ibid. 138. for it is plain that he *had formed* a plan for appropriating all the ecclesiastical revenues to himself, and that too without an act of parliament, as soon as a proper opportunity presented. His aversion to meeting his uncle did not proceed so much from religious as civil motives ; and from the ascendancy which his beautiful queen, a daughter of the house of Guise, had over his affections. I am far, however, from denying that James, both by principal and education, was a papist ; but his religion was of the same cast with that of his uncle, and the other Roman catholic princes of the time.

That the reader may form some idea of the degeneracy of the ecclesiastical discipline of Scotland, we need but to mention that cardinal Beaton's uncle, and predecessor in the see of St. Andrew's, when upon his death-bed bequeathed, by way of testament all his ecclesiastical livings,
 Spentwood, " which, (says one of his successors) were not a few ; for, besides the archbishopric of St. Andrew's, he possessed the abbacies of Aberbrothock, Dumferling, and Kilwinning." It is true, the king might not have continued those destinations ; but he confirmed them all from the regard he had to the late archbishop, and they accordingly took place, without, so far as I can perceive, the intervention of his holiness. I have already given my reasons for believing that James the fifth, after the murders he had committed, was touched in his brain ; but, be that as it will, it is certain that the whole body of his popish clergy had not interest enough to save the head of Sir James Hamilton, their favourite inquisitor, though they threw themselves for that purpose at the royal feet ; and
 Vol. V. p. 194. though

though they were the means of obtaining a vast accession of lands to the royal dignity. The other ^{Ibid. p. 196.} ecclesiastical proceedings of that reign are to be seen in the civil history, together with the tendency they had towards introducing the reformation into Scotland, which was greatly assisted by the bloody disposition and haughty behaviour of the prime-minister the cardinal archbishop of St. Andrew's.

Even the most favourable representations of Knox and other friends of the reformation, who lived in those times, impress us with no ideas that the reformation of Scotland was entirely owing to the evangelical zeal of its friends. Bishop Keith, from ^{p. 12. & seq.} several unprinted acts of parliament, has published the severe and impolitic penalties enacted against heretics. Amongst others, we find the following act, which gives us a picture of the abuses of churchmen at that time, viz. 1540.

“ For reforming of kirkis and kirk-men.

“ Because the negligence of divyne service, the grett unhoneſte in the kirk, th'row not making of reparation to the honour of God Almyty, and to the bliffit sacrament of the altar, the Uirgyne Marie, and to als haly ſanctis; and als the unhoneſte and miſreule of kirk-men, baith in witt, knowlege, and maneris, is the mater and caus that the kirk and kirk-men is lychtly it and contempnit: for remeid herof, the kingis grace exhortis and prayis oppinly, all archbifhopis, biſhopis, ordinaris, and uthir prelatis, and every kirk-man in his awn degre, to reforme thare ſelfis, yare obedienciaris and kirk-men under thame, in habit and maneris to God and man; and that you caus in every kirk within your diocy, under your juřiſdictionn, ane reule, reparations and reparating to be honeſtlic and ſubſtantiouſly maid and done to the honour of God Almyty, the bliffit ſacramentis,

an^d

and divine service, every kirk eftir the qualitie and quantite of the rentis : and gif ony persoun allegiand yame exemit, and wil not obey nor obtemper to thair superiour, in that behalf the kingis grace fall find remeid thairfor at the paapis halynefs, and sick lik agains the saidis preltis, giff thai be negligent."

I have given this record at large, because it is a curiosity in its kind. The enacting part of it is no other than a sort of a requisition from the king, that the clergy should reform themselves. Bishop Keith is of opinion, that had James the fifth lived, he would have attempted to reform the church of Scotland; but not in the manner his uncle did that of England. I am pretty much of the same way of thinking; but I am far from imagining that his reformation would have been religious rather than civil. Every act of his reign proves that he looked upon the purses of his clergy as his own, and that he hated and despised their persons; but made use of their credit for humbling his nobility. The reformation, therefore, which James would have introduced, had he not died before he effected the great schemes he had formed against his nobility, would have been to have laid hold of the church-revenues merely by virtue of his own prerogative, and thereby putting his clergy under the necessity of reforming their own luxuries and vices.

Keith, p. 6. In March 1542-3, during a parliament held by the governor earl of Arran, the lord Maxwell presented a proposal to the governor and lords of the articles for reading the scriptures in the vulgar tongue; but without suspending any of the laws that were in force against heretics. This act was strongly opposed by the chancellor archbishop of Glasgow, who entered a protest against it in the name of the clergy, until a provincial synod could be

be summoned for deliberating upon the affair. It is, however, certain, that the act passed, at least with regard to the New Testament; because two days after, (viz. the 19th of March) the lord Maxwell had presented his bill, public notification was given, that an act was made for having the New Testament in the vulgar tongue. In order to carry it into execution, a proper number of copies for the use of the subjects was commissioned from London. Henry the eighth thought that to be a proper opportunity for pressing upon the governor the abolition of the pope's authority in Scotland. The governor seemed to wish well to a reformation as well as his majesty did; but he thought it to be a matter of great difficulty.

Henry, without being discouraged by his ambassador Sadler's report of the governor's sentiments, sent down one sir Robert Richardson, who, though in priest's orders, had been knighted by the pope; but was a convert to Henry's reformation. Richardson, being introduced by Sadler, had a conference with Beaton, but the result of it never was known, it having been communicated to none but to Henry himself by Richardson.

The heads of the reformation in Scotland were somewhat disappointed in the books they received from England, which they thought did not sufficiently enforce the abolition of the Romish clergy, and consequently the secularizing their revenues into the hands of the nobility and laity. The abbot of Paisley, who has been so often mentioned in the civil history as archbishop of St. Andrew's, had a decisive influence with his natural brother, the governor, who, from being a warm friend to the reformation, abjured it publicly, and was absolved by cardinal Beaton. He then dismissed, as we have already seen, his two protestant chaplains; and in the parliament following, which

was held the 15th of December, he procured an act to be passed for reviving the persecutions of heretics, and proceeding against them according to the laws of holy church. It is remarkable that though, about this time, Peter Contarini, the patriarch of Venice, or, as others say, of Aqueleia, appeared in Scotland as legate from the pope, yet he was charged with no ecclesiastical commission farther than, perhaps, in general to recommend the interest of the church of Rome to the government. He left Scotland the March following, highly satisfied with his reception and entertainment. We have occasionally, in the civil history, mentioned the bloody progresses of Beaton for extirpating heretics, and the incertainty of the Scotch records at that time. The whole of his conduct was equally impolitic as inhuman; and it has so near a connexion with the preceding history, that it has been already related, together with his tragical assassination by a furious set of the reformers. No Scotchman, excepting Wardlaw, bishop of Glasgow, in the reign of Robert the second, had ever been a cardinal before Beaton.

Many who wished well to the reformation abhorred the manner in which Beaton had been murdered, and an act of council passed, on the 11th of June 1546, against invading the property of the church or church-men, or destroying or robbing religious houses. The abbot of Paisley succeeded to the archbishopric of St. Andrew's, and signalized his accession to his new dignity by burning Adam Wallace, a zealous reformer. The new archbishop seems, notwithstanding, to have been fully sensible of his clergy's degeneracy; for he summoned several provincial synods, where the important question was debated, "Whether the Pater noster, or Lord's prayer, ought not to be addressed to the saints as well as to God Almighty?"

The

The instances of gross ignorance, which prevailed at this time among the popish clergy in Scotland, are ridiculous in the highest degree; and would be incredible, were they not confirmed by unexceptionable authorities, uncontradicted by the Roman-catholics themselves. The metropolitan, to remove the ignorance of the people, published a Catechism, containing a short explanation of the Ten Commandments, the Belief, and the Lord's Prayer; which the bishop and synod having read and considered, they not only approved of the said catechism, but likewise ordered all curates to read a part thereof every Sunday and holiday to the people, when there was no sermon. A Roman catholic author allows that this catechism was called ^{Dr. Mackenzie.} the Two-penny Faith; but he says that it was a most learned book, in large octavo; and that it was so called, because the bishop having printed it upon his own expences, allowed those whom he employed to distribute them amongst the people, to take two-pence for the trouble that they were at.

The death of Edward the sixth of England, and the accession of his sister Mary to that crown, was so far from damping, that it forwarded, the reformation in Scotland. Mary's bigotry in favour of the Roman catholic religion having driven many of the most zealous reformers out of England, they fled to Scotland, where they met with a friendly reception, and propagated their doctrines. This could not have happened had not the queen-regent, who was still powerful in Scotland, been upon very bad terms with Mary for espousing the cause of her husband Philip against the French king; and the queen regent found her account in managing the nobility who inclined to the reformation. Towards the beginning of winter 1555, Knox returned to Scotland; but the effusions of his zeal, which was prompted by the earls of Glencairn and

Marshall, were so disagreeable to the queen-regent, that he was forced once more to fly to Geneva, and he was actually burnt in effigy at the Cross of Edinburgh. In his absence, he was looked upon as a confessor for the reformation, and his disciples increased so much, that the queen-regent durst not attack them, though supported by the French power. In the beginning of the year 1556, the earl of Glencairn, the lord Lorn, Erskine of Dun, and the prior of St. Andrew's, afterwards the famous regent earl of Murray, invited him back to Scotland; but he stopt at Dieppe, on receiving an account of the events which have been described in the preceding history. Knox, however, animated his party to proceed in the work of the reformation with so much success, that they drew up an association which was called the First Covenant. The members of this association proceeded with a pretty high hand, and concluded the following articles :

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P. 32

1. It is thought expedient, advised, and ordained, that in all parishes of this realm, the Common Prayer be read weekly, on Sunday, and other festival days, publicly in the parish churches, with the lessons of the Old and New Testament, conform to the order of the Book of Common Prayer : and if the curates of the parishes be qualified, to cause them to read the same ; and if they be not, or if they refuse, that the most qualified in the parish use and read the same,

2. It is thought necessary, that doctrine, preaching, and interpretation of scriptures, be had and used privately in quiet houses, without great conventions of the people thereto, while afterward that God move the prince to grant public preaching, by faithful and true ministers.

Some dispute has arisen concerning the Book of Common Prayer here mentioned, whether it was the

the liturgy of the church of England, or that which was printed at Geneva in 1558, with a preface, dated the tenth of February 1556. I am clearly of opinion that it was the former, for the latter was not published at the time this regulation was made; nor does it mention lessons taken out of the Old and New Testament. All it recommends, is the convening once a week to hear some portion or place of the scriptures, orderly expounded. I mention this particular, to prove that the first Scotch reformers were no enemies to set forms of worship. The marriage of young queen Mary being then in agitation, the queen-regent was obliged to temporize; but I find, at this time, the clergy were still powerful enough to bring Andrew Mills, a decrepid old man of eighty-two, to the stake, at Edinburgh, for heresy; and he was the last that suffered in Scotland on that account, though several were, at that very time, under condemnation. Every day now produced fresh tumults, as I have already related; and the lords of the congregation then formed themselves into a regular body, for carrying on the work of reformation. The civil and ecclesiastical history of Scotland becomes, once more, the same. The return of Knox, and his violent proceedings, have been already described at large, nor can I add any thing material to the narrative. See vol. VI.
& passim.

After the treaty, which occasioned the departure of the French soldiers in 1560, the heads of the Reformation applied themselves to regulate the oeconomy of their own church, and to place ministers through the parishes. The kingdom, for that purpose, was divided into ten districts, and each district was to be under the inspection of a superintendant, (for so the office was called, to avoid the hated name of bishops). Five of those superintendants were named, but the other five could

could not be found proper for the discharge of that duty, though there was no necessity for their being clergymen. A committee was then appointed for settling the policy and discipline of the church, which was to be comprized in a book; and the members were Mr. John Winrame, sub prior of St. Andrew's, Mr. John Spotswood, Mr. John Douglas, rector of St. Andrew's, Mr. John Row, and John Knox. The heads of this book of policy, or discipline, have been printed by archbishop Spotswood, whose father was a member of the committee. Some of the commissioners were for grounding their reformation upon the ancient policy, or discipline of the church, which they were for purging from its errors and superstitions. It appears, however, that Knox was not to be controuled, and would admit of no deviation from his own plan, which was conformable to that of Geneva. Among other things, he required that of suppressing, or rather demolishing, all abbeys, monasteries, friaries, nunneries, chapels, chantries, cathedral churches, canonries, and colleges, excepting those that were then either parish churches or schools. To this doctrine Scotland owes the Gothic appearance, which the reformation makes in the ruins of her stately ecclesiastical edifices. With regard to the qualifications of the clergy, it is laid down in this book of policy and discipline, as it is called, that "ordinary vocation consisteth in election, examination, and admission—other ceremonies than the public approbation of the people, and declaration of the chief minister, [meaning, I fancy, the superintendant] that the person there presented is appointed to serve the church, we cannot approve; for albeit the apostles used imposition of hands, yet, seeing the miracle is ceased, the using of the ceremony we judge not necessary." Thus we see all ordination, and im-

position

position of hands, which in other churches have been deemed necessary to the holy function of priesthood, are pronounced to be unnecessary. By the same book, neither reading nor singing were to accompany burials, lest they should encourage superstition; as if singing and reading to the living could profit the dead.

In the article concerning the punishment of those who prophane the sacraments, we have the following curious description of the Romish clergy : “ The papistical priests have neither power nor authority to minister the sacraments of Christ Jesus; because that in their mouth is not the sermon of exhortation : and, therefore, to them must strait inhibition be made, notwithstanding any usurpation they have made in the time of blindness, not to presume upon the like hereafter; as likewise to all others, who are not lawfully called to the holy ministry. It is neither the clipping of their crowns, the crossing of their fingers, nor the blowing of the dumb dogs, called the Bishops, neither the laying on of their hands, that maketh true ministers of Christ Jesus : but the Spirit of God inwardly first moving the heart to seek to enter into the holy calling, for Christ’s glory, and the profit of his kirk; and thereafter, the nomination of the people, the examination of the learned, and public admission, as before is said, make men lawful ministers of the word and sacraments, we speak of the ordinary vocation in kirks reformed, and not of that which is extraordinary, when God, by himself, and by his only power, raiseth up to the ministry such as best please his wisdom.” But the most extraordinary part of this book of discipline consists in the quotation which the reader will find in the notes *, as it is too long to be inserted here. It

* “ With the grief of our hearts, we hear that some gentlemen are now as cruel over their tenants as ever were the papists, requiring

It there appears that Mr. Knox, far from renewing the complaints of the possessions of the church

quiring of them the tiends, and whatsoever they were paid to the kirk; so that the papistical tyranny shall only be changed into the tyranny of the lord and laird.—The gentlemen, barons, earls, lords, and others, must be content to live upon their just rents, and suffer the kirk to be restored to her right and liberty.—The sums able to sustain the forenamed persons, [viz. the ministers of the word, the poor, together with the schools] and to furnish all things appertaining to the preservation of good order and policy within the kirk, must be lifted of the tenths; to wit, the tenth sheaf of all sorts of corn, hay, hemp, and lint; tenth fish, tenth calf, tenth lamb, tenth wool, tenth foal, tenth cheese. And because that we know, that the tenth reasonably taken, as is before expressed, will not suffice to discharge the former necessity, we think that all things doted to hospitality, and annual rents, both in burgh and land, pertaining to the priests, chanteries, colleges, chapeltries, and the frieries of all orders, to the sisters of the Seenes, and such others of that sort, be retained still in the use of the kirk or kirks within the towns and parishes where they were doted. Furthermore, to the upholding of the universities, and sustentation of the superintendants, the whole revenue of the temporality of the bishops, deans, and archdeacons' lands, and of all rents of lands pertaining to the cathedral kirks whatsoever. And further, we think, that the merchants and rich craftsmen in free-burghs, having nothing to do with the mauling of the ground, must make some provision in their cities, towns, and dwelling-places, for to support the need of the kirk. The receivers and collectors of the duties, must be deacons or thesaurers appointed from year to year, in every kirk, and by the common consent and free election of the kirk. The deacons must distribute no part of that which is collected, but by command of the ministers and elders; and they may command nothing to be delivered, but as the kirk hath before-determined; to wit, the deacons shall of the first part pay the sums, either quarterly, or from half-year to half-year, to the ministers which the kirk hath appointed. The same they shall do to the school-masters, readers, and hospitals, if any be, receiving always an acquittance for their discharge.

“ If any extraordinary sums be to be delivered, then must the ministers, elders, and deacons consult whether the deliverance of such sums doth stand with the common utility of the kirk or not; and if they do universally condescend and agree upon the affirmative or negative, then, because they are in credit or office for the year, they may do as best seems. But if there be any controversy amongst themselves, the whole kirk must be made privy; and after that the matter be proposed, and the reasons heard, the judgment of the kirk, with the minister's consent, shall prevail.

“ The deacons shall be compelled and bound to make accounts to the minister and elders of that which they received, as often as the policy shall appoint; and the elders when they are changed,

to which those of the state were by no means adequate, claims for himself and his brethren the whole of the ecclesiastical revenues, and those to be secured to them by a new mode of collection, that is, by annual deacons. Those were claims that never had been dreamt of by the lay heads of the reformation, the majority of whom discouraged them, in hopes of sharing in the church's temporalities; but this question has been amply discussed in the preceding history.

It is, however, no more than doing justice to the memory of this apostle, of the Scotch reformation to observe, that the demands of Knox prove him rather to be ignorant than rapacious; and that, in digesting his plan, he had consulted no man who was acquainted with the world. After he had presented it to the queen and parliament, he received a message from the archbishop of St. Andrew's, blaming him for the violence of his proceedings; but admitting, at the same time, that there was some reason for what he had done in the work of reformation. It is certain that Knox, by his violence, exposed himself and his brethren to the danger of starving, and saw, when it was too late, his error in proceeding at the head of a law-

changed, which must be every year, must clear their count before such auditors as the kirk shall appoint. And both the deacons and elders being changed, shall deliver to them, that shall be newly elected, all sums of money, corns, and other profits resting in their hands; the tickets whereof must be delivered to the superintendants in their visitation, and by them to get council of the kirk, that as well the abundance as the indigence of every kirk may be evidently known, that a reasonable equality may be had throughout this whole realm. If this order be perfectly kept, corruption cannot suddenly enter. For the free and yearly election of deacons and elders shall suffer none to usurp a perpetual domination over the kirk; the knowledge of the rental shall suffer them to receive no more than whereof they shall be bound to make accounts; the deliverance of money to the new officers shall not suffer private men to use in their private business that which appertaineth to the public affairs of the kirk."

less mob. It happened, unfortunately for him, that his friends in parliament and about court seemed to be equally zealous as he was for the reformation of religion; and had he kept close to the doctrinal points of it, he could have led his mob to what lengths he pleased; but when the object was worldly interest, and not religion, he found he could make no impression upon their minds and passions; and that they were naturally governed by their lay-masters and lords, who were far from being influenced with the same kind of zeal.

By the account that Knox himself has left us in his history, his book was treated with great contempt by the nobility, though many of them signed it, on condition that such of the Romish clergy as embraced the reformation, should enjoy their revenues during their life-times; this subscription, however, was no more than a matter of convenience.

The first general assembly of the reformed Scotch church was held at Edinburgh on the 20th of December 1560. It consisted of ministers and lay-commissioners from particular churches, and their first business was to make choice of a certain number of persons the best qualified for preaching the word and administering the sacraments. Many regulations were made in the discipline and œconomy of the new church, but generally all innovations were recommended to be confirmed by act of parliament. Parties were allowed to marry in the second, third, and fourth degrees of consanguinity and affinity. The office of the bishop's commissariote courts was to be supplied by some other institution for the benefit of orphans and others by parliament; and such was the intolerant spirit of the members, and so forgetful were they of their complaints against popish persecution, that that they called out to the civil powers for the

the punishment of all who worshipped God in the ancient manner. They even presented the names of some papists, both men and women, who still frequented the mass; and it was agreed that a commissioner should be sent from every parish to attend the approaching convention, and to solicit, that their requests might be carried into laws.

How far the last-mentioned resolution was executed, does not clearly appear; but when, upon the death of the queen's husband, Francis the second, the council called together the nobility, who were then near the capital, the latter gave all the encouragement they could to the reformers; nor is it quite clear, whether Mr. Knox himself did not consider them in the same light as a parliament. It is certain that they proceeded vol. vi. with all the spirit of a popish inquisition, and were p. 146. so punctual to the instructions of the assembly, that they dispatched officers and messengers all over the kingdom, to summon people to give an account of their religion. From the university of Aberdeen four catholics were summoned, Lesley, who was then official or commissary of the diocese, and afterwards the famous bishop of Ross, Myrerton the treasurer, Strachan a canon, and Anderson professor of theology. Those four ecclesiastics were brought before the council, where they defended the principles of their religion. Both Lesley and Knox, in their histories, have given us an account of this conference, and as the reader may easily judge, each gives the advantage to his own party. The presumption, however, lies against Knox, who treats Lesley particularly as a man despicably ignorant, which was certainly far from being the case. The disputants on the reformed side were Knox, Willocks, and Goodman an Englishman; and by the report of Lesley, Anderson, who was the Roman catholic champion, ob-

tained a complete victory over his antagonists. Several other disputes upon the same subject happened soon after; some were personal, and others were carried on from the press. Those which have come to our hand are very mean performances on both sides, and by them we may judge of the others.

The second general assembly was held on the 26th of May 1561. The business of the members seems to be the same with that of their former meeting, the suppression of popery, and the securing to themselves the revenues of the church; all which were referred to the lords of the privy-council, who were petitioned not to suffer the court of session to grant any letters to any who had obtained fews or long leases of vicarages, parsonage-houses, and church-yards; and that no sheriff or judge should order tiends to be paid, without special provision that the parishioners retain in their hands as much as is appointed to the minister. Those, with several other requests of the like nature, were carried by the chief of the lay-commissioners to the privy-council, attended by a kind of manifesto, "That if the petitioners were not gratified in their requests, they would again take the sword of just defence into their hands, which, after being victorious, they had resigned to the civil power." This insolent menace had such an effect, that an act passed for demolishing such cloisters and abbey-churches as were not yet pulled down. The reformers having thus a shew of authority, proceeded with a fury exceeding, if possible, that of the worst barbarians recorded in history. Under pretence of executing the act, all the property of the churches, either decent or ornamental, was embezzled or destroyed. When the buildings were demolished, their timber, lead, and bells were exposed to public sale. The strongest hand

hand carried away the largest share of the rapine; and, to the inexpressible loss of learning, the curious books and registers, either printed or in manuscript, were destroyed, all but a few which by accident fell into private hands, and are still to be met with in public or family repositories. Even the sepulchres of the dead were not spared, and their contents were rifled of whatever was precious about them.

Thus the ravages of the Reformation, which at first broke out in an unauthorized heat of a mob, were completed under a public sanction. The execution in the western parts was committed to the earls of Arran, Argyle, and Glencairn; and that in the northern to the lord James, prior of St. Andrew's, and other persons of zeal and distinction. The preachers, who attended the people, animated them in all their proceedings, crying out (says Spotswood) "That the places where idols ^{Spotswood.} had been worshipped ought, by the law of God, to be destroyed, and that the sparing of them was the reserving of things execrable; mistaking the commandment given to Israel, for destroying the places where the Canaanites had worshipped their false gods; which was given upon a special respect to that people, and did not concern all the nations and people of the world." The report went also, that John Knox (whose sayings were at that time of great authority) should in one of his sermons have affirmed, "That the most sure way to keep these rooks from returning to their places, was to pull down the nests which they had built with such cost and care."

It may be proper, in this part of my work, to mention that bishop Nicholson (in his Historical Library, a book every where to be met with) Dr. Mackenzie, and several other writers, have given us accounts and catalogues of several antient pieces
that

that were saved from this general wreck of religious houses ; but some of the most curious have escaped them ; nor indeed are they so critically accurate as they ought to have been, in their distinctions between the certain and the undoubtful, originals and copies. The learned and candid Ruddiman, in his preface to Anderson's *Selectus*, admits that no genuine charters of Malcom Canmore now exist ; yet he offers very strong arguments to prove that, when he founded the abbey of Dumfermling, he did it by a writing, or writings. In the book of the priory of St. Andrew's, which is of very high antiquity in chartulary matters, (being written, in Sir James Dalrymple's opinion, in the reign of David the first of Scotland) mention is made that king Malcolm, and Margaret, queen of Scotland, devoutly bestowed the village of Balchristin, now called Balchristie, to the culdees of Lochleven, with the same liberty as above (that is, in the former part of the register). This reference implies a writing, or some deed, or gift on the part of the king and queen. Sir James Dalrymple, it is true, says, that such donations were usually made before noble witnesses, without writings ; but I think his reasoning is not conclusive ; and he himself makes no doubt that some writings of Malcolm the third are still extant, tho' he had no opportunity of seeing them. I cannot, agreeable to the rules of credibility, conceive there can be the least question, that Malcolm the third, who was long in England at the time when written donations was common among the Saxons, could be ignorant of that mode of donation ; especially as he had in his own court, and in that of his excellent queen, several learned men, whose works have come to our hands.

As this disquisition, so far as it can be investigated with probability, or critical rules, is of the
utmost

utmost consequence to the credibility of the above history, an intelligent reader cannot take it amiss, if I pursue the subject farther, especially as it is intimately connected with the ecclesiastical part of the Scotch history.

It is well known to the learned, that, before the Reformation, literature, though all the nations of Europe, was in the hands of the clergy; and that their repositories contained all we know of the histories of their respective times. In every monastery three different registers were commonly kept. The first was a general one, containing annals, and public occurrences of the year. The second was their obituaries, which mentioned the times of the deaths and places of interment of their benefactors, abbots, priors, and other principal persons belonging to the house. The third was their chartulary, or register, which contained the bulls of popes, and grants of kings, nobles, and other benefactors. I have already mentioned the barbarous ravages of Edward the first, upon the Scotch records, as well as the other calamities to which they were exposed, together with the many proofs that the Scots had historians prior to that period, and records, which are now lost. From See vol. II. p. 94. & passim. the nature of the subject, it is impossible to be particular, with regard to the papers, books, or records, that escaped this general devastation; but I have great reason to think, that the zeal of the Scotch clergy and patriots, and of many who were friends to the independency of their country, tho' outwardly complying with the English monarch, found means to secrete some of their most valuable papers, which remained, till the time I am now treating of, in their religious houses; and that they were destroyed by the fury of the native reformers, who were better acquainted, than we can suppose a foreign conqueror to have been, with those

those archives. Though the arguments I have to offer, for this opinion, are chiefly presumptive, yet I think they are sufficient to satisfy any reader, with regard to the truth of the facts I am to establish.

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133, & seq.

I have already mentioned the league between Achaius, king of Scotland, and Charles the Great, about the year 790; and the fact is as well supported by historical evidence, as is any of that age, notwithstanding its being contradicted by Rymer, and other English historians. I shall not pretend to vindicate the chimerical articles of this league, which were invented by Hector Boece, and other latter writers. It is sufficient that such a measure proves the Scots, in those days, to have known the nature of civil alliances, and how to conclude them, by the intervention of written instruments; for Eginhard, who was secretary and historian to Charles the Great, tells us expressly, that he received letters from the kings of Scotland. If the monuments of Scotch civil and ecclesiastical antiquity, during the two succeeding centuries, have perished, we are to attribute the loss to the natural course of things amidst barbarous invasions and bloody wars; but above all, to the tyranny of Edward the first. All that can be expected, is to give evidence that the Scots had the same methods which the Saxons had, of conveying property, especially ecclesiastical.

The book of the monastery of Dumfermling, which is still extant, mentions a charter granted by Macbeth, predecessor to Malcolm Canmore, and his wife Gruoch, the daughter of Bodhe, to God and the culdees of the island of Lochleven, of Kirkenes, with its boundaries and extent, which are so expressly and accurately described, that the original charter must have been conceived in writing, as the places retain the same names to this day.

day. The most extraordinary part, however, in this grant, though not taken notice of by Ruddiman, is its allusion to the Saxon grants of the same date; for it expressly mentions an exemption to two points of the *trinoda necessitas*, or the three-fold duty incumbent on every subject, which are those of military expedition, and repairing of bridges, "*sine refectione pontis, et sine exercitu.*"

The next proof we have of the antient Scots making use of charters, and deeds in writing, is of a still more early date, being as far back as the reign of Malcolm the second, who mounted the throne in 1004. I have already mentioned the victory which that prince got over the Danes at Murtloch, where, on that account, he founded a bishopric, a copy of which foundation-charter is preserved in the old chartulary of Aberdeen, dated at Forfar the eighth of October, and the sixth year of his reign, *TESTE MEIPSO*. Bishop Nicholson, on account of the *teste*, thinks that this charter ought to belong to Malcolm the third; because it was the English manner, and first adopted by the Normans. This argument, however, proves nothing, if what Mabillon says is true, that such *testes* were first introduced by Richard the first of England; for that prince lived long after the death of Malcolm Canmore. But, in fact, the objection is built upon a wrong principle. All historians agree, Vol. I. p. 218. that Malcolm the second was the founder of Murtloch bishopric, on account of a victory he there obtained over the Danes; and no fact, of equal antiquity, can be better authenticated. As to the *teste*, Mabillon is mistaken, in supposing it to be peculiar to the kings of England. He owns, himself, that some charters of the French kings have the same *teste*. It is true, that he suspects their authenticity, on that account; but his suspicion does not prove them to be forged; and that form

was undoubtedly made use of by the Scotch kings, particularly Alexander the second and third, and John Baliol, as appears by unquestionable documents; so that Mabillon's argument can only be negative; nor is it applicable, in any shape, to the question before us.

A stronger objection is raised against the chartulary of Aberdeen itself, which mentions no more than three bishops to have presided in the see of Murtloch, between the year 1010, and the year 1125, when the seat of that see was transferred from Murtloch to Aberdeen. This objection, however, is not conclusive, and vanishes if we consider the state of the kingdom in those days, when, through invasions, civil wars, and inattention of princes to church affairs, sees were often kept vacant for many years, not to mention the longevity of those antient temperate bishops; and that it does not appear how long Nectan, who is not comprehended in the number, resided at Murtloch before his see was transferred to Aberdeen.

Sir James Balfour, in his lives of the bishops of St. Andrew's, which is preserved in the Lawyers library at Edinburgh, says that he saw a charter from Kellach the second, who was the fourth bishop of St. Andrew's, to the culdees of Lochleven, in which he calls himself the chief bishop of the Scots, "*maximum Scotorum episcopum*." This Kellach must have been cotemporary with Indulf, king of Scotland; that is, he must have lived before the year 968, for I do not think it is of any importance, whether he was prior, or second, to Fothad. Sir James Dalrymple, who seems to have been no friend to the episcopal order in Scotland, thinks this charter is spurious, because Kellach arrogates to himself the title of chief bishop of the Scots, whereas one of his successors, Malduin, designed himself only the humble servant of the church of St. Andrew's.

Andrew's. There is, however, no foundation for this objection. No fact can be better ascertained than that, so low as the time of Winton, who lived to the year 1417, and Bowmaker, the continuator of Boece, a silver cover for the gospels was preserved in the church of St. Andrew's, with the following lines inscribed :

Hanc evangelii thecam construxit aviti
Forthad, qui Scotis primus episcopus est.

This inscription only shews Forthad to have been, at the time he lived, considered as the first, in dignity, of the Scotch bishops; because he was bishop of St. Andrew's. As to the humbling designation of one of his successors, it has been always the practice among churchmen, to couple the most sounding and most debasing titles, in the same person, witness the pope, who, with all his pompous titles, signs himself the servant of the servants of Christ. Upon the whole, therefore, the credibility of such charters existing, depends upon the faith that is due to the testimony of Balfour; and as that is not impeached, their authenticity stands good against the objections that have been raised to their prejudice. The argument of Sir James Dalrymple would have been far stronger, had he directed it, in general, against papal episcopacy, and endeavoured to shew that, in fact, the culdees were presbyters; that they had neither ordination nor consecration from the church of Rome, and that the person whom they called their bishop, was a compliment they paid him only as being at the head of their order. Add to this, that it seems to be certain, that before the time of David the first, the bishops of Scotland did not act under any local denomination, nor were the boundaries of their sees marked out. They were, in short, no better than itinerant clergymen; and

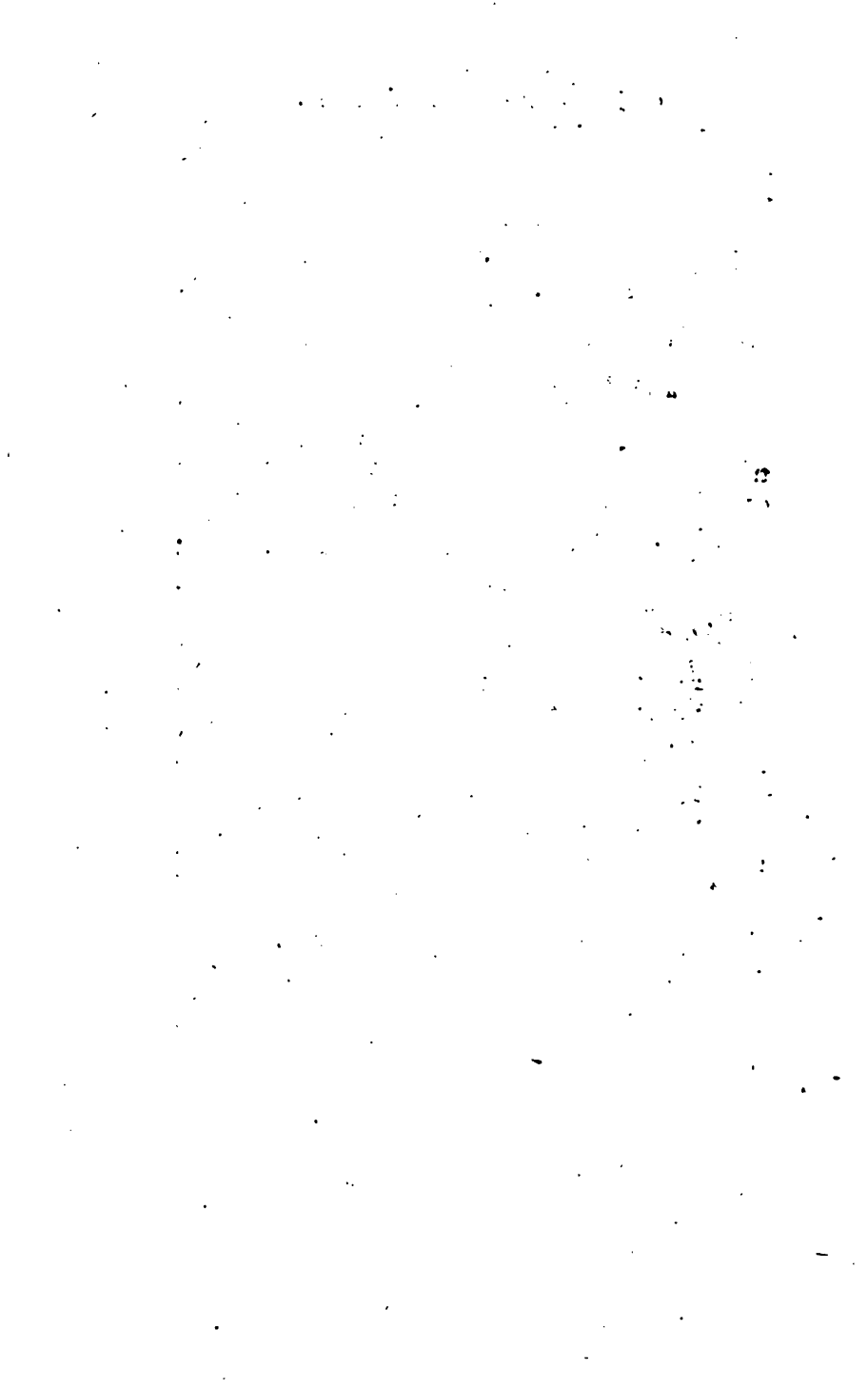
their ordinations became so questionable, that even in the time of the Saxons, several national councils, both in England and France, disowned them. Palladius, therefore, may be justly considered as the first apostle of popery in Scotland; and we have already seen the opposition which he and his disciples met with from the primitive Christians, the culdees.

The presbyterians of Scotland, soon after the Reformation, were strongly impressed with a notion that the first Christians in Scotland knew nothing of the office of bishop, in the Roman catholic sense of the word; and indeed the words of Fordun are so express on that head, that it is impossible for a candid reader, divested of religious prepossessions, to mistake him. He positively says, that, before Palladius's coming, the Scots had for doctors of faith, and ministers of the sacraments, priests only, and monks following the rite of the primitive church *. Fordun strengthens this assertion with so many particular facts, that it is amazing that any man, who has truth only for his object, can doubt it. Innes, who was a Roman catholic, and, in some respects, an excellent critic, undertakes to explain away the passage, by observing that Fordun is wrong in fixing the date of the conversion of the Scots to Christianity to the year 203. The reason he gives is, that the Scots were not then settled in Britain; and therefore he pronounces the whole of Fordun's assertion to be groundless. The Scotch episcopists, who have a high veneration for the order of bishops, think themselves embarked in the same cause, and

* "Ante cujus [Palladii] adventum, habebant Scoti fidei doctores, ac sacramentorum ministratores, presbyteros solummodo, vel monachos, ritum sequentes ecclesiæ primitivæ." Fordun. Lib. 3. cap. 8. edit. Th. Hearne, p. 184.

have strained very hard to get rid of Fordun's testimony. His words, however, are so stubborn, that they cannot be mistaken; so that the argument of Innes is, in reality, a mere quibble. It is extremely immaterial, to this dispute, whether the inhabitants of that part of the island were Caledonians, Picts, or Scots. The fact is, that they had clergy among them who were not bishops, nor ordained by bishops; and nothing was more natural than for Fordun to call those inhabitants, Scots. The reason why Innes perverted this evidence, is extremely plain, because he wanted to give to the see of Rome the honour of converting the Scots; and the protestant episcopalians very absurdly considered the episcopal dignity to be concerned in the question. Ruddiman, who was himself an episcopalian, is inclined to think that their doctrine and worship did not differ from those of the Romish church; but we have no kind of proof to support this opinion farther than conjecture.

The presbyterians, on the other hand, gain nothing by the decision of this question in their favour; for admitting the culdees to have been all of them presbyters, that fact can never prove a parity in the original church-government; because it is plain that they chose a superior, whom they called a bishop. But I am now arrived at that period when the ecclesiastical history of Scotland becomes the same with the civil, and consequently has been fully discussed in the preceding work.



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